

# HOUSE OF REPRESENTATIVES—Tuesday, March 17, 1992

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Remind us each day, O God, not only that the goals we seek in life should be tempered by the qualities of justice and truth, but also that the actions and words that we use in attaining our goals be words and actions that demonstrate respect for one another. With all the disagreements and quarrels and complaints that are a part of daily life we give thanks that we have the opportunity to do what we can to live together with reverence and honor to all people. Give us good and steadfast spirits, we pray, so we will be faithful stewards of the tasks before us. This is our earnest prayer. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from Iowa [Mr. NUSSLE] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. NUSSLE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## LET'S PASS A GOOD CAMPAIGN FINANCE REFORM BILL

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, having spent the weekend at home, I can say that people of my community and the country feel betrayed by what happened in the House bank, and the disclosure of the names of the Members is only one part of the curing and healing process.

There is much more which needs to be done. One of the matters, which to your great credit, Mr. Speaker, you have constantly put your reputation on the line in behalf of, is campaign reform. And, one aspect of campaign reform that I would like to address briefly

today is the issue of limited spending in congressional races.

Some races, as we know, for House seats will consume a million dollars or even more. The reform bill, which is pending in the conference committee with the other body, would put a limit of \$600,000 for each election cycle, certainly enough to finance an adequate campaign and enough also to keep races from being noncompetitive to a challenger.

Mr. Speaker, among the many reforms in the way the House proceeds with its business adopted in the months ahead would be to change the way people get here, change the way elections are conducted and, Mr. Speaker, I ask that you continue your excellent efforts in behalf of moving a campaign reform bill to passage in this Congress.

## COMPETITIVENESS COUNCIL

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, overregulation and bureaucracy are among the major problems in the Government. Not only do they present unnecessary obstacles for citizens in their everyday lives—overregulation has a devastating impact on competitiveness and our ability to create jobs in the country.

Not only does the Congress allow, indeed demand more and more regulation, it often opposes efforts to make reductions in the regulatory jungle. That will be the case with a government operations subcommittee this week.

In November, the Food and Drug Administration released a new policy recommendation to speed up the process of approving new drugs to treat a variety of needs. They do not circumvent safety, they do not circumvent the law. They simply test and get necessary drugs into the hands of patients sooner.

For some reason, however, the House Government Operations Committee leadership objects to simplified regulations and a safe, but speedy approval process. It continues to put obstacles in the way of getting critical drugs in the marketplace.

The FDA, following the recommendations of Vice President QUAYLE's Competitiveness Council, has made positive steps to keep regulations to a minimum. Drugs will still go through the

regulatory process—they will not be hampered by unnecessary hoops to jump through. What is wrong with that?

Rather than blasting a good policy, Government Operations Committee should be praising the Vice President for helping people—which is really why we are here.

## ELECTION OF RESIDENT COMMISSIONER TO COMMITTEE ON INTERIOR AND INSULAR AFFAIRS AND COMMITTEE ON FOREIGN AFFAIRS

Mr. HOYER. Mr. Speaker, I offer a privileged resolution (H. Res. 400) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

### H. RES. 400

*Resolved*, That the Resident Commissioner from Puerto Rico be, and is hereby elected to the following standing committees of the House of Representatives: Committee on Interior and Insular Affairs: Antonio J. Colorado, Puerto Rico. Committee on Foreign Affairs: Antonio J. Colorado, Puerto Rico.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## FACE THE ISSUE

(Mr. EARLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EARLY. Mr. Speaker, Members of this House, in my opinion an ethical investigation is supposed to be three things: private, confidential, and non-partisan.

The investigation going on with the check incident is neither. Saturday night sitting in my house, the television released an AP release that identified 24 Members as the major check abusers.

I stand in this well saying that I do not think I have ever bounced one check. My name was included on that list. That was Saturday.

On Monday I had to attend a visitors' board at Harvard Medical School, so I spent all day there, so I was not available.

I have not been notified yet about this investigation.

Mr. Speaker, and he just left this floor, and I asked him to stay, he has handled this situation as a disgrace, as a disgrace.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman must proceed

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

according to the House rules. He must address the Chair.

Mr. EARLY. Mr. Speaker, I will do that. I apologize.

The SPEAKER pro tempore. Address the Chair rather than individuals.

Mr. EARLY. But I wish, if I am on that list, that I could be notified.

We voted last Thursday that every Member was to have 10 days if you are on that list. Mr. Speaker, I stand in the well, and I tell my constituents, I tell this gallery, I do not think I had one check.

I am not a rich man. I have eight children. My problem is this: When they said they used the standard that you would be overdrawn eight times in the 39-month period, Mr. Speaker, I sent seven of my eight kids through college. I am not copping any plea or making any excuses. I sent seven of my eight kids through college.

Each pay that I get, back in 1989, where all of America thinks the pays are excessive, my pay that is after the taxes and after the transfers for my kids' student loans is \$2,700.

Now, again, as of today, my pay, my net pay, that goes into my account is \$6,000.

I am reading in the paper that I have abused this. I can only say to my constituency, and I have got two groups that bother me most, two, well, three, all the United States, and I am concerned about what you people are thinking, but my wife and my kids, they are not entitled to this. My constituents are not entitled to this.

Mr. Speaker, face the issue.

#### PARENTS KNOW WHAT IS BEST FOR THEIR CHILDREN

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, I have a simple question that I would like an answer to: Why are we not giving \$700 million to schools that are working? Why are some Members of this body insisting on putting this money into educrats coffers to replenish a system that has failed? H.R. 4323 maintains the status quo. It does not provide for the reform that Americans are demanding. It does not provide for the reform our children so desperately need.

Parental choice in education is a simple, straightforward plan. It puts the power, the money, into parents' hands. From there the parents choose the best school, public or private, for their child. It is time for Government to remember that parents know what is best for their child—not the bureaucrats.

Mr. Speaker, this program is fair across the board. The poor and the middle class and the rich alike all receive the same amount of money, they all choose from the same selection of

schools, they all are empowered to make the absolute best choice for their children.

By introducing competition to the public school system, genuine reform is brought about by creating incentives for schools. The money goes to the parents, it does not get lost in the bureaucracy. The schools and therefore the students, succeed because their only option is to improve.

□ 1210

#### HOMELESS RELIEF ACT OF 1992

(Mr. McMILLEN of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McMILLEN of Maryland. Mr. Speaker, I will be introducing legislation today to allow the deductibility of donated housing for the purpose of sheltering homeless people.

This legislation was spawned not just by the need for such a deduction, but also by the astonishment that such donated housing currently is not deductible.

The shortage of affordable housing in the United States is acute. The irony is that the home construction industry is stagnant, real estate inventory is high, and yet there remains an extreme shortage of affordable housing and a growing homeless population.

The legislation I introduce today will encourage the donation of existing housing to be used by low income and homeless people.

Specifically, the bill allows a tax paying entity to deduct the fair market rental value for the lease of real or related personal property to a non-profit organization, 501(c)(3), as a cash charitable contribution deduction.

This bill will help redirect existing resources to those who desperately need it. While I make no claims that this is an ultimate solution, it is an important and necessary step in the right direction.

#### FACE THE ISSUE

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANK of Massachusetts. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. EARLY].

Mr. EARLY. Mr. Speaker, I want to thank my colleague, the gentleman from Massachusetts, for yielding to me.

Mr. Speaker, I come to this microphone to clarify one thing that I said, because I do not want to mislead anyone.

When I made the point of where I was Monday, as far as I told you Saturday was when this all broke and Sunday it has been in every newspaper in my

State and my district; but Monday when I was attending the Harvard Medical School Visitors' Board, I did get a call from the gentleman from New York [Mr. McHUGH]. I did not get down here until 8 o'clock at night and I have not heard from the gentleman since, and that is the only point, because I want to be very clear in what I tell everybody.

#### DUCKING A VOTE ON THE BUDGET

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I just think it is very important as we get back to the very serious business of this House this week and we discuss bringing down the walls in the budget that we point out there are many Members in this Chamber who voted for no budget at all. They did not vote for the President's budget. They did not vote for the gold standard budget. They did not vote for the Democratic budget, nor did they offer a budget.

Now, we have had all sorts of things going on here about people's personal budgets, but my goodness, I cannot think of anything worse than the Federal Government operating without any budget at all.

I think we are seeing people play all sorts of politics. It is so much easier to destroy than to build. Let us get back to the business at hand.

Let us point out that there are an awful lot of people who are just here to destroy, rather than build, and let us ask those Members who voted for no budget at all, why they even bothered to come if they do not care enough about the overall purpose of this institution, which is to direct this great country and set its priorities, and that is what a budget does.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV. Such roll call votes, if postponed, will be taken on Wednesday, March 18, 1992.

#### TECHNICAL AND MISCELLANEOUS CIVIL SERVICE AMENDMENTS ACT OF 1992

Mr. ACKERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2850) to make technical and conforming changes in title 5, United States Code, and the Federal Employ-



ees Pay Comparability Act of 1990, and for other purposes as amended.

The Clerk read as follows:

H.R. 2850

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Technical and Miscellaneous Civil Service Amendments Act of 1992".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendments to title 5, United States Code.
- Sec. 3. Amendments to the Federal Employees Pay Comparability Act of 1990.
- Sec. 4. Amendments to relating to the Ethics in Government Act of 1978.
- Sec. 5. Amendments to other provisions of law.
- Sec. 6. Miscellaneous provisions.
- Sec. 7. Effective dates.

# SEC. 2. AMENDMENTS TO TITLE 5, UNITED STATES CODE.

Title 5, United States Code, is amended—

(1) in the analysis for part II by striking, in the item relating to chapter 12, "Individual Right of Action" and inserting "Employee Right of Action";

(2) by striking the heading for former section 1209 (the text of which was redesignated as sections 1205 and 1206 by paragraphs (9) and (10), respectively, of section 3(a) of the Whistleblower Protection Act of 1989 (Public Law 101-12; 103 Stat. 18));

(3) by striking the heading for former section 1204 (which was designated as section 1211(b) by section 3(a)(6) of the Whistleblower Protection Act of 1989 (Public Law 101-12; 103 Stat. 17));

(4) in section 1305 by striking "section 3105," and inserting "sections 3105,";

(5) in section 2302(b)(8)(B) by striking "Special Counsel of the Merit Systems Protection Board," and inserting "Special Counsel,";

(6) in section 2304(b) by striking "(b) the" and inserting "(b) The";

(7) in section 3104(a)—

(A) by striking "(not to exceed 517)"; and

(B) by amending the second sentence to read as follows: "Any such position may be established by action of the Director or, under such standards and procedures as the Office prescribes (including procedures under which the prior approval of the Director may be required), by agency action.";

(8) in section 3109(b) by striking "section 5332" and inserting "section 5376";

(9) by amending section 3152 to read as follows:

## "§3152. Limitation on pay

"Members of the FBI-DEA Senior Executive Service shall be subject to the limitation under section 5307.";

(10) in section 3323(b)(1) by striking "annuitant as defined by section 8331 of this title" and inserting "annuitant, as defined by section 8331 or 8401,";

(11) in section 3324—

(A) by amending the heading to read as follows:

## "§3324. Appointments to positions classified above GS-15"

and

(B) in subsection (a) by amending paragraph (1) to read as follows:

"(1) to which appointment is made by the Chief Judge of the United States Tax Court;"

(12) in section 3325(b) by striking "section 3104(a)(7) of this title" and inserting "section 3104(c)";

(13)(A) by striking section 3342; and

(B) in the table of sections for chapter 33 by striking the item relating to section 3342; (14) by amending the heading for section 3373 to read as follows:

## "§3373. Assignment of employees to State or local governments";

(15) in section 3401(1)(iv) by striking "Virgin Island" and inserting "Virgin Islands";

(16) in section 3594(c)(1)(A) by striking "5108," and inserting "5108,";

(17) in section 4109 by striking subsection (d);

(18) in section 4302(a) by striking the semicolon at the end and inserting a period;

(19) in section 4505a—

(A) in subsection (b)(2) by striking "chapter 12 or under" and inserting "chapter 12, chapter 71, or";

(B) in subsection (c) by inserting "of Personnel Management" after "Office"; and

(C) by striking subsection (d) and inserting the following:

"(d) The preceding provisions of this section shall be applicable with respect to any employee to whom subchapter III of chapter 53 applies, and to any category of employees provided for under subsection (e)."

"(e) At the request of the head of an Executive agency, the President may authorize the application of subsections (a) through (c) with respect to any category of employees within such agency who would not otherwise be covered by this section.";

(20) in the heading for subchapter III of chapter 45 by striking "OFFICER" and inserting "OFFICERS";

(21) by amending section 4521 to read as follows:

## "§4521. Definition

"For the purpose of this subchapter, the term 'law enforcement officer' means—

"(1) a law enforcement officer within the meaning of section 5541(3) and to whom the provisions of chapter 51 apply;

"(2) a member of the United States Secret Service Uniformed Division;

"(3) a member of the United States Park Police;

"(4) a special agent in the Diplomatic Security Service;

"(5) a probation officer (referred to in section 3672 of title 18); and

"(6) a pretrial services officer (referred to in section 3153 of title 18).";

(22) in the table of sections for chapter 51 by striking the item relating to section 5108 and inserting the following:

"5108. Classification of positions above GS-15.";

(23) in section 5108(a)(2) by striking the semicolon at the end and inserting a period;

(24) in the table of sections for chapter 53—

(A) in the item relating to section 5379 by striking "repayment," and inserting "repayments,"; and

(B) by striking "Sec." immediately before the item relating to section 5391;

(25) in section 5302—

(A) in paragraph (1) by amending subparagraph (C) to read as follows:

"(C) chapter 74 of title 38, relating to the Veterans Health Administration (other than a position subject to section 7451 of title 38);"; and

(B) in paragraph (8)—

(i) in subparagraph (A) by striking "and" at the end; and

(ii) by adding after subparagraph (B) the following:

"(C) in the case of an employee receiving a retained rate of basic pay under section 5363, the rate of basic pay payable under such section; and";

(26) in section 5304—

(A) in subsection (a)(3)—

(i) by striking "Subject to paragraphs (4) and (5)," and inserting "Subject to paragraph (4)."; and by striking "a comparative payment" and inserting "a comparability payment";

(ii) in subparagraph (H) by inserting "and" after the semicolon; and

(iii) in subparagraph (I) by striking the semicolon and inserting a period;

(B) in subsection (d)(1)(A) by inserting "(disregarding any described in section 5302(8)(C))" after "General Schedule", and by striking "annual";

(C) in subsection (e)—

(i) in paragraph (1) by inserting after the second sentence the following: "However, members under subparagraph (A) may be paid expenses in accordance with section 5703."; and

(ii) in paragraph (2)(A)(ii) by striking "annual survey" and inserting "surveys of pay localities", and by striking "industries," and inserting "industries";

(D) in subsection (g) by amending paragraph (2) to read as follows:

"(2) The applicable maximum under this subsection shall be level III of the Executive Schedule for—

"(A) positions under subparagraphs (A)–(E) of subsection (h)(1); and

"(B) any positions under subsection (h)(1)(F) which the President may determine.";

(E) in subsection (h)—

(i) in paragraph (1)—

(I) by amending subparagraph (F) to read as follows:

"(F) a position within an Executive agency not covered under the General Schedule or any of the preceding subparagraphs, the rate of basic pay for which is (or, but for this section, would be) no more than the rate payable for level IV of the Executive Schedule";

(II) in clause (i) by striking "or" at the end;

(III) in clause (ii) by striking the period at the end and inserting "; or"; and

(IV) by adding at the end the following:

"(iii) a position to which subchapter II applies (relating to the Executive Schedule).";

(ii) in paragraph (2) by adding at the end the following:

"(C) Notwithstanding subsection (c)(4) or any other provision of law, but subject to paragraph (3), in the case of a category with positions that are in more than 1 Executive agency, the President may, on his own initiative, provide that each employee who holds a position within such category, and in the locality involved, shall be entitled to receive comparability payments."; and

(iii) in paragraph (3) by amending subparagraph (B) to read as follows:

"(B) shall take effect, within the locality involved, on the first day of the first applicable pay period commencing on or after such date as the President designates (except that no date may be designated which would require any retroactive payments), and shall remain in effect through the last day of the last applicable pay period commencing during that calendar year";

(27) in section 5306(a)(1)(B) by striking "166b-3" and inserting "166b-3a";

(28) in section 5314 by striking each of the following: "Under Secretary of Education."; "Under Secretary of Health and Human Services."; "Under Secretary of the Inte-

rior.", and "Under Secretary of Housing and Urban Development.";

(29) in section 5332 by amending subsection (a) to read as follows:

"(a)(1) The General Schedule, the symbol for which is 'GS', is the basic pay schedule for positions to which this subchapter applies. Each employee to whom this subchapter applies, except an employee covered by the performance management and recognition system established under chapter 54, is entitled to basic pay in accordance with the General Schedule.

"(2) The General Schedule is a schedule of annual rates of basic pay, consisting of 15 grades, designated 'GS-1' through 'GS-15', consecutively, with 10 rates of pay for each such grade. The rates of pay of the General Schedule are adjusted in accordance with section 5303.";

(30) in section 5347(g)—

(A) by striking "(g) Members" and inserting "(g)(1) Except as provided in paragraph (2), members";

(B) by striking the second sentence; and

(C) by adding at the end the following:

"(2) The position of Chairman shall be considered to be a Senior Executive Service position within the meaning of section 5312(a), and shall be subject to all provisions of this title relating to Senior Executive Service positions, including section 5383.";

(31) in section 5371(b)—

(A) by striking "chapter 73" and inserting "chapter 74"; and

(B) by inserting "subchapter V of chapter 55," after "61," each place it appears;

(32) in section 5372(c) by striking "shall," and inserting "shall";

(33) in section 5375(2) by striking "GS-8," and inserting "GS-3";

(34) in section 5377—

(A) in subsection (a)(2)—

(i) in subparagraph (C) by striking "and" at the end;

(ii) in subparagraph (D) by striking the period at the end and inserting a semi-colon; and

(iii) by adding after subparagraph (D) the following:

"(E) a position established under section 3104; and

"(F) a position in a category as to which a designation is in effect under subsection (i)."; and

(B) by adding at the end the following:

"(i)(1) For the purpose of this subsection, the term 'position' means the work, consisting of the duties and responsibilities, assignable to an employee, except that such term does not include any position under subsection (a)(2)(A)-(E).

"(2) At the request of an agency head, the President may designate 1 or more categories of positions within such agency to be treated, for purposes of this section, as positions within the meaning of subsection (a)(2).";

(35) in section 5383 by amending subsection (b) to read as follows:

"(b) Members of the Senior Executive Service shall be subject to the limitation under section 5307.";

(36) in subchapter IX of chapter 53 by striking the matter after the subchapter heading and before the heading for section 5391;

(37) in section 5401(1) by striking "(a)" and inserting "(A)", and by striking "(b)" and inserting "(B)";

(38) in section 5403(d) by striking "section 5305" and inserting "section 5303";

(39) in section 5519 by striking "section 6323(c) or (d) of this title" and inserting "section 6323(b) or (c)";

(40) in section 5541—

(A) in paragraph (1) by striking "and" at the end;

(B) in paragraph (2) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) 'law enforcement officer' means an employee who—

"(A) is a law enforcement officer within the meaning of section 8331(20) OR 8401(17);

"(b) in the case of an employee who holds a supervisory or administrative position and is subject to subchapter III of chapter 83, but who does not qualify to be considered a law enforcement officer within the meaning of section 8331(20), would so qualify if such employee had transferred directly to such position after serving as a law enforcement officer within the meaning of such section;

"(C) in the case of an employee who holds a supervisory or administrative position and is subject to chapter 84, but who does not qualify to be considered a law enforcement officer within the meaning of section 8401(17), would so qualify if such employee had transferred directly to such position after performing duties described in section 8401(17) (A) and (B) for at least 3 years; and

"(D) in the case of an employee who is not subject to subchapter III of chapter 83 or chapter 84—

"(i) holds a position that the Office of Personnel Management determines would satisfy subparagraph (A), (B), or (C) if the employee were subject to subchapter III of chapter 83 or chapter 84; or

"(ii) is a special agent in the Diplomatic Security Service.";

(41) in section 5542—

(A) in subsection (a)(4)—

(i) by striking "officer (within the meaning of section 8331(20) or 8401(17))." and inserting "officer"; and

(ii) by moving the indentation for the matter following subparagraph (B) 2 ems to the right; and

(B) in subsection (c) by amending the second sentence to read as follows: "In the case of an employee who would, were it not for the preceding sentence, be subject to this section, the Office of Personnel Management shall by regulation prescribe what hours shall be deemed to be hours of work and what hours of work shall be deemed to be overtime hours for the purpose of such section 7 so as to ensure that no employee receives less pay by reason of the preceding sentence.";

(42) in section 5544—

(A) in paragraphs (2) and (3) of subsection (a) by striking "2,080" each place it appears and inserting "2,087";

(B) by amending the last two sentences of subsection (a) to read as follows: "The first and third sentences of this subsection shall not be applicable to an employee who is subject to the overtime pay provisions of section 7 of the Fair Labor Standards Act of 1938. In the case of an employee who would, were it not for the preceding sentence, be subject to the first and third sentences of this subsection, the Office of Personnel Management shall by regulation prescribe what hours shall be deemed to be hours of work and what hours of work shall be deemed to be overtime hours for the purpose of such section 7 so as to ensure that no employee receives less pay by reason of the preceding sentence."; and

(C) by adding at the end the following:

"(c) The provisions of this section, including the last two sentences of subsection (a), shall apply to a prevailing rate employee described in section 5342(a)(2)(B).";

(43) in section 5547(c) by striking paragraph (3);

(44)(A) by striking section 5550;

(B) in the table of sections for chapter 55 by striking the item relating to section 5550;

(C) in section 5548(b) by striking "sections 5545(d) and 5550 of this title." and inserting "section 5545(d).";

(D) in section 6123(a)(1) by striking "5543(a)(1), 5544(a), and 5550" and inserting "5543(a)(1) and section 5544(a)"; and

(E) in section 6128—

(i) in subsection (a) by striking "5542(a), 5544(a), and 5550(2)" and inserting "5542(a) and 5544(a)"; and

(ii) in subsection (c) by striking "5544(a), 5546(a), or 5550(1)" and inserting "5544(a) or 5546(a)";

(45)(A) in subchapter VI of chapter 55 by adding at the end the following:

#### "§ 5553. Regulations

"The Office of Personnel Management may prescribe regulations necessary for the administration of this subchapter."; and

(B) in the table of sections for chapter 55 by adding after the item relating to section 5552 the following:

"5553. Regulations.";

(46) in the table of sections for chapter 57—

(A) by striking the item relating to section 5723 and inserting the following:

"5723. Travel and transportation expenses of new appointees and student trainees."; and

(B) by adding after the item relating to section 5754 the following:

"5755. Supervisory differentials.";

(47) in the heading for section 5702 by striking "employee" and inserting "employees";

(48) in section 5723—

(A) by amending the heading to read as follows:

"§ 5723. Travel and transportation expenses of new appointees and student trainees"

and

(B) by striking subsection (d) and redesignating subsection (e) as subsection (d);

(49) in section 5724(a)(3)(A) by striking "Service;" and inserting "Service or as a director under section 4103(a)(8) of title 38 (as in effect on November 17, 1988)";

(50) in section 5901(a) by striking "5902." each place it appears and inserting "5902";

(51) in section 5948—

(A) in the first sentence of subsection (a) by striking "provisions of this section" and inserting "provisions of this section, section 5307.";

(B) in subsection (g)(1)—

(i) by amending subparagraph (D) to read as follows:

"(D) section 5371, relating to certain health care positions;";

(ii) by striking "or" at the end of subparagraph (H);

(iii) by striking "and" at the end of subparagraph (I); and

(iv) by inserting after subparagraph (I) the following:

"(J) section 5376, relating to certain senior-level positions;

"(K) section 5377, relating to critical positions; or

"(L) subchapter IX of chapter 53, relating to special occupational pay systems; and";

(52) in section 6303(a) by amending the second sentence to read as follows: "In determining years of service, an employee is entitled to credit for all service of a type that would be creditable under section 8332, regardless of whether or not the employee is covered by subchapter III of chapter 83.";



(53) in the second sentence of section 6304(e) by striking "date of" and inserting "date";

(54) in section 7112 by redesignating subsection (a)(1) as subsection (a);

(55) in section 7113 by redesignating subsection (a)(1) as subsection (a);

(56) in section 7701(c)(1) by amending subparagraph (A) to read as follows:

"(A) in the case of an action based on unacceptable performance described in section 4303 or a removal from the Senior Executive Service for failure to be recertified under section 3393a, is supported by substantial evidence; or";

(57) in section 8331—

(A) in paragraph (1)—

(i) in subparagraph (L) by striking "section 8347(p)(1)" and inserting "section 8347(q)(1)"; and

(ii) in clause (ii) by striking "section 8347(p)(2)" and inserting "section 8347(q)(2)"; and

(B) in paragraph (7) by striking "Gallaudet College," and inserting "Gallaudet University,";

(58) in the last sentence of section 8332(b) by striking "paragraph (16)" and inserting "paragraph (16)";

(59) in section 8334(i) by redesignating the second paragraph (5) as paragraph (6);

(60) in section 8335(b) by amending the first sentence to read as follows: "A firefighter who is otherwise eligible for immediate retirement under section 8336(c) shall be separated from the service on the last day of the month in which such firefighter becomes 55 years of age or completes 20 years of service if then over that age.";

(61) in the second sentence of section 8337(a) by striking "if the employee if" and inserting "if the employee is";

(62) in section 8339 by redesignating the second subsection (c) as subsection (p);

(63) in section 8341 in subsections (b)(1) and (d) by striking "(o)," and inserting "(p)";

(64) in section 8347—

(A) by redesignating the second subsection (p) as subsection (q); and

(B) in paragraphs (1) and (2) of subsection (q) (as so redesignated) by amending subparagraph (A) of each to read as follows:

"(A) has not previously made an election under this subsection or had an opportunity to make an election under this paragraph";

(65) in section 8421(a)(2) by adding a period at the end;

(66) in section 8423(a)(1)(B)(i) by striking "multiplied" and inserting "multiplied";

(67) in section 8425(b)—

(A) by amending the first sentence to read as follows: "A member of the Capitol Police or firefighter who is otherwise eligible for immediate retirement under section 8412(d) shall be separated from the service on the last day of the month in which such member or firefighter becomes 55 years of age or completes 20 years of service if then over that age."; and

(B) in the second sentence by striking "become" and inserting "becomes";

(68) in section 8438(a)(7)(B) by striking "Federal Savings and Loan Insurance Corporation," and inserting "Federal Deposit Insurance Corporation,";

(69) in section 8440(a)(3) by inserting "section 401(k)(4)(B) of such Code and" after "subject to";

(70) in section 8440a(b)(1) by striking "subchapters III and VII of chapter 84 of this title" and inserting "this subchapter and subchapter VII";

(71) in section 8461(n)—

(A) in paragraphs (1) and (2) by amending subparagraph (A) of each to read as follows:

"(A) has not previously made an election under this subsection or had an opportunity to make an election under this paragraph"; and

(B) paragraph (2)(D) by striking "section 8347(p)" and inserting "section 8347(q)";

(72) in section 8478(a)(2)(B)(iii) by striking "Corporation or the Federal Savings and Loan Insurance";

(73) in the analysis for chapter 85 by adding after the item relating to section 8508 the following:

"8509. Federal Employees Compensation Account.";

(74) in section 8706 by redesignating subsection (g) as subsection (f);

(75) in section 8901—

(A) in paragraph (3)(A)(iv) by striking "section 8347(p)(2)" and inserting "section 8347(q)(2)"; and

(B) in paragraph (10)(C)(ii) by inserting a comma after "section 8341(h)";

(76) in section 8904(a) by striking "this section" each place it appears and inserting "this subsection";

(77) in section 8905—

(A) in subsection (b) by striking "this subchapter," and inserting "this chapter"; and

(B) in subsection (c)(1) by inserting a comma after "8341(h)"; and

(78) in section 8906—

(A) in subsection (b)(3) by inserting a period after "Office"; and

(B) in subsection (c) by striking "and except" and inserting "and (except)".

### SEC. 3. AMENDMENTS TO THE FEDERAL EMPLOYEES PAY COMPARABILITY ACT OF 1990.

The Federal Employees Pay Comparability Act of 1990, as contained in the Treasury, Postal Service and General Government Appropriations Act, 1991 (Public Law 101-509; 104 Stat. 1427), is amended—

(1) in each of paragraphs (1) and (2) of section 109(b) (104 Stat. 1451) by striking "section 5305" and inserting "section 5303";

(2) in section 203 (104 Stat. 1456) by striking "5545(D)" and inserting "5545(d)";

(3) in section 209(a) (104 Stat. 1460)—

(A) by striking "or" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; or"; and

(C) by inserting at the end the following:

"(3) any combination of classes of positions described in paragraph (1) or (2) for which the President determines a recruiting difficulty exists.";

(4) in section 302 (104 Stat. 1462)—

(A) by striking "(A) DEFINITIONS.—" and inserting "(a) DEFINITIONS.—";

(B) by redesignating the second subsection (c) as subsection (d);

(C) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(D) by amending subsection (e) (as so redesignated) by striking "Code," and all that follows through the period and inserting the following: "Code (as in effect before the date of enactment of this Act), section 5305 of title 5, United States Code (as amended by section 101 of this Act), or any similar provision of law.";

(5) in section 403 (104 Stat. 1465) by striking "section 8331(20) or section 8401(17)" and inserting "section 5541(3)";

(6) in section 403(d) (104 Stat. 1465) by striking "section 303" and inserting "section 209";

(7) in section 404(a) (104 Stat. 1466) by striking "and any applicable special rate of pay under section 5305 of such title, as so amended, or any similar provision of law." and inserting "and, to the extent determined appropriate by the Office of Personnel Manage-

ment, any applicable special rate of pay under section 5305 of such title, as so amended, or any similar provision of law (other than section 403).";

(8) in section 404(b) (104 Stat. 1466)—

(A) by striking "(b) Except" and inserting "(b)(1) Except";

(B) by striking "Trenton" and inserting "Trenton"; and

(C) by adding at the end the following:

"(2) In the case of any area specified in paragraph (1) that includes a portion, but not all, of a county, the Office of Personnel Management may, at the request of the head of 1 or more law enforcement agencies, extend the area specified in paragraph (1) to include, for the purposes of this section, the entire country, if the Office determines that such extension would be in the interests of good personnel administration. Any such extension shall be applicable to each law enforcement officer whose post of duty is in the area of the extension.";

(9) in section 405(a) (104 Stat. 1466) by striking "403 and 404" and inserting "403, 404, and 407".

### SEC. 4. AMENDMENTS RELATING TO THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) AMENDMENTS TO TITLE I OF THE ACT.—Title I of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 101(f)—

(A) in paragraph (3) by striking "whose position" and all that follows through "for GS-16" and inserting "who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule";

(B) in paragraph (6) by striking "whose basic rate of pay" and all that follows through "GS-16" and inserting "who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule";

(2) in section 109—

(A) in paragraph (8) by striking "who is paid" and all that follows through "Schedule" and inserting "who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule";

(B) in paragraph (13)(B)(i) by striking "who is compensated" and all that follows through "Schedule" and inserting "who, for at least 60 days, occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule"; and

(C) in paragraph (13)(B)(ii) by striking "compensated" and all that follows through "Schedule" and inserting "who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule.";

(b) AMENDMENTS TO TITLE V.—Title V of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 501(a)(1) by striking "whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule under section 5332 of title 5, United States Code," and inserting "who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of

the minimum rate of basic pay payable for GS-15 of the General Schedule,";

(2) in section 501(a)(2) by striking "who becomes a Member or an officer or employee who is a noncareer officer or employee and whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule during a calendar year," and inserting "who during a calendar year becomes a Member or an officer or employee who is a noncareer officer or employee and who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule,"; and

(3) in section 502(a) by striking "whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule" and inserting "who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule";

(c) AMENDMENTS TO GIFT PROVISIONS.—Section 314(g) of the Legislative Branch Appropriations Act, 1992 (Public Law 102-90; 105 Stat. 470) is amended to read as follows:

"(g)(1) The amendments made by subsections (b) through (f) shall take effect on January 1, 1992.

"(2) The amendment made by subsection (a) shall take effect on January 1, 1993."

#### SEC. 5. AMENDMENTS TO OTHER PROVISIONS OF LAW.

(a) OMNIBUS BUDGET RECONCILIATION ACT OF 1990.—The Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508; 104 Stat. 1388) is amended—

(1) in section 7101(c)(2) (104 Stat. 1388-332) by striking "took effect, subject to section 7104," and inserting "took effect"; and

(2) in section 7202(n) (104 Stat. 1388-340)—  
(A) in paragraph (2) by striking "section 8347(p)(1)" each place it appears and inserting "section 8347(q)(1)"; and

(B) in paragraph (4) by striking "section 8347(p)(2)" and inserting "section 8347(q)(2)".

(b) FEDERAL PAY COMPARABILITY ACT OF 1970.—Section 5(a) of the Federal Pay Comparability Act of 1970 (2 U.S.C. 60a-2(a)) is amended by inserting "of title 5, United States Code," after "Whenever an adjustment under section 5303".

(c) PUBLIC LAW 100-446.—Section 8(c)(2) of Public Law 100-446 (2 U.S.C. 178g(c)(2); 102 Stat. 1786) is amended by striking the second sentence.

(d) PUBLIC LAW 102-198.—Section 7(c)(4) of Public Law 102-198 (105 Stat. 1625) is amended—

(1) in subparagraph (A) by striking "2440d" and inserting "8440d"; and

(2) in subparagraph (B) by striking "subchapter III of".

(e) AGE LIMITS FOR ORIGINAL APPOINTMENTS TO CERTAIN POSTAL POSITIONS.—Section 410(b)(1) of title 39, United States Code, is amended by inserting "section 3307(d)-(e) (age limits for original appointments to certain positions)," after "section 3110 (restrictions on employment of relatives)".

(f) PUBLIC LAW 102-233.—Section 21A(b)(9)(B)(i) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(9)(B)(i)), as amended by section 201 of the Resolution Trust Corporation Refinancing, Restructuring, and Improvement Act of 1991 (Public

Law 102-233; 105 Stat. 1765), is amended by striking the last 3 sentences.

#### SEC. 6. MISCELLANEOUS PROVISIONS.

(a) ELIMINATION OF DUPLICATIVE AMENDMENTS MADE BY THE DEFENSE ACQUISITION WORK FORCE IMPROVEMENT ACT.—Subsections (i) and (j) of section 1206 of the Defense Acquisition Work Force Improvement Act, as contained in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1662, 1663), are repealed, and title 5, United States Code, shall read as if such subsections had not been enacted.

(b) PROVISIONS RELATING TO COMPARABILITY PAYMENTS IN 1994 AND 1995.—Notwithstanding section 5304 of title 5, United States Code, for purposes of any comparability payments scheduled to take effect under such section during calendar years 1994 and 1995, respectively—

(1) the report required by subsection (d)(1) of such section may be submitted not later than 1 month before the start of the calendar year for purposes of which it is prepared; and

(2) the surveys conducted by the Bureau of Labor Statistics for use in preparing any such report may be other than annual surveys, and shall, to the greatest extent practicable, be completed not later than 4 months before the start of the calendar year for purposes of which the surveys are conducted.

#### SEC. 7. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this section, this Act and the amendments made by this Act shall take effect as of the date of enactment of this Act.

(b) EXCEPTIONS.—(1) The amendment made by section 4(c) shall be effective as of December 31, 1991.

(2) The amendments made by section 5(d) shall be effective as of December 9, 1991.

(3) The amendments made by sections 2(13) and 2(17) shall be effective as of October 1, 1991.

(4) The amendments made by sections 2(11), 2(19), 2(29), and 2(38) shall be effective as of May 4, 1991.

(5) The amendments made by section 2(25) shall be effective as of February 3, 1991.

(6) The provisions of section 6(a) and the amendments made by sections 2(57)(A), 2(60), 2(64), 2(67), 2(71), 2(75)(A), 3(1), 3(4), 3(6), and 5(a) shall be effective as of November 5, 1990.

(7) The amendment made by section 2(52) shall be effective as of January 1, 1989, except that no amount shall become payable, as a result of the enactment of such amendment, under—

(A) subchapter VI of chapter 55 of title 5, United States Code, based on a separation that takes effect on an election that is made before the date of enactment of this Act; or

(B) section 5551(b) of title 5, United States Code, which is attributable to an individual's being excepted from subchapter I of chapter 63 of such title before the date of enactment of this Act.

(8) The amendment made by section 2(69) shall be effective as of November 10, 1988.

(9) The amendments made by sections 2(40), 2(41), 2(42), 2(43), and 3(5) shall be effective as of the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

(10) The amendments made by section 2(28) shall be effective as of the first day of the first applicable pay period beginning on or after November 5, 1990.

(11) The amendment made by section 2(49) shall apply with respect to a separation that takes effect on or after the date of enactment of this Act.

(12) The amendment made by section 5(f) shall apply with respect to any action (described in subclause (I) or (II) of the provisions struck by such amendment) occurring on or after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. ACKERMAN] will be recognized for 20 minutes, and the gentleman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. ACKERMAN].

#### GENERAL LEAVE

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on H.R. 2850, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ACKERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2850, the Technical and Miscellaneous Civil Service Amendments Act of 1992, was introduced on July 10, 1991, by Chairman CLAY, Mr. GILMAN, Mr. MYERS, and myself, at the request of the administration.

The bill is intended to correct technical flaws in title 5, United States Code and the Federal Employees Pay Comparability Act of 1990. H.R. 2850 would ease the implementation of pay reform.

On March 11, 1992, the Committee on Post Office and Civil Service ordered H.R. 2850 favorably reported with an amendment in the nature of a substitute.

The amendment consists of various additional technical amendments suggested by the Office of Personnel Management as well as the Office of Law Revision Counsel. The committee has been working closely with OPM on the amendment and OPM supports its adoption.

I urge my colleagues to support H.R. 2850.

Mr. Speaker, I reserve the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to rise in support of H.R. 2850, the Technical and Miscellaneous Civil Service Amendments Act of 1992.

This bill was passed unanimously, by voice vote, on March 11, 1992 by the Committee on Post Office and Civil Service.

H.R. 2850 amends the Federal Employees Pay Comparability Act of 1990. These amendments to Title 5 of the United States Code are purely technical and noncontroversial. Furthermore, this bill was requested by the administration and has no pay-as-you-go ramifications.



Mr. PANETTA. Mr. Speaker, I would like to rise to express my strong concern regarding the Post Office and Civil Service's recommendation of H.R. 2850, making technical corrections to the Federal Employees Pay Comparability Act of 1990 [FEPCA].

In recognition of severe recruiting and retention problems, the Treasury, Postal Service and General Government Appropriations Act for fiscal year 1991 provided Federal law enforcement officers in six consolidated metropolitan statistical areas [CMSA's] and two metropolitan statistical areas [MSA's] with special compensation increases ranging from 4 to 16 percent. On a number of occasions throughout the last year, I requested the Post Office and Civil Service Committee and the Office of Personnel Management [OPM] to closely examine and compare the Salinas-Seaside-Monterey MSA with these other eight areas—particularly the San Francisco consolidated metropolitan statistical area [CMSA] which borders Monterey—to include the Monterey MSA in future legislation. Because statistics show that comparisons of the public/private pay differentials and high cost-of-living between Monterey and the eight targeted areas are similar, I fought hard to include the Monterey MSA in H.R. 2850. Unfortunately, the committee would not add all deserving areas such as the Salinas-Seaside-Monterey MSA.

It is my understanding that following the enactment of the Federal Employees Pay Comparability Act of 1990, it became evident that a clearly unique situation existed which warranted technical corrections. The CMSA which contains the area in reference excludes a portion of a county that did not receive a special increase. This is where the New Haven, CT FBI regional office is located. The special increase to one portion of the county allowed some FBI personnel in Bridgeport, CT—who are on a lower pay schedule, and who report to the New Haven regional office—to receive an increase greater than those on a higher pay schedule in New Haven. The FBI has specifically indicated to the Office of Personnel Management [OPM] that this inequity is unacceptable. Following an exclusive agreement between the FBI and OPM, these new parameters were adopted by the Post Office and Civil Service Committee.

I believe that with the committee's adoption of OPM's recommendation making exception to certain areas previously not included under the Federal Employees Pay Comparability Act of 1990, the FEPCA deserves further examination.

Given the discrepancy involving the New Haven, CT, MSA, I am in agreement that this one area warrants a technical change. However, I also believe these specific parameters should not prohibit other deserving MSA's, such as the Salinas-Seaside-Monterey MSA, from making their case to the Committee on Post Office and Civil Service for a locality pay adjustment in the future.

It is my understanding that the Office of Personnel Management will be making recommendations to the Congress no later than January 1, 1993, to address the entire Federal pay system for special service employees. I would encourage my colleagues in the Committee on Post Office and Civil Service to urge OPM to expedite their proposal. It is my sin-

cere hope that current continuing inequities between those MSA's granted an increase and other deserving areas that have been excluded from the deal made by the FBI and OPM will soon be corrected.

Mrs. MORELLA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ACKERMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. ACKERMAN] that the House suspend the rules and pass the bill, H.R. 2850, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### FEDERAL EMPLOYEE RESERVIST BENEFIT EXTENSION ACT OF 1992

Mr. ACKERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3209) to amend title 5, United States Code, to ensure that the level of compensation for a Federal employee ordered to military duty during the Persian Gulf conflict is not less than the level of civilian pay last received; to allow Federal employees to make up any thrift savings contributions forgone during military service; to preserve the recertification rights of senior executives ordered to military duty; and for other purposes, as amended.

The Clerk read as follows:

H.R. 3209

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employee Reservist Benefit Extension Act of 1992".

#### SEC. 2. DEFINITIONAL AMENDMENT

(a) IN GENERAL.—Subchapter II of chapter 35 of title 5, United States Code, is amended by adding at the end the following:

##### "§ 3552. Sources of authority for ordering an employee to active duty

"The provisions of law cited in this section, relating to sources of authority for ordering an employee to active duty (other than for training), are sections 672, 673, 673b, 674, 675, and 688 of title 10."

(b) TABLE OF SECTIONS.—The table of sections for chapter 35 of title 5, United States Code, is amended by inserting after the item relating to section 3551 the following:

"3552. Sources of authority for ordering an employee to active duty."

#### SEC. 3. SPECIAL PAY DIFFERENTIAL.

(a) ENTITLEMENT.—(1) A Federal employee, permanent or temporary indefinite, who, under any of the provisions of law cited in section 3552 of title 5, United States Code, is ordered to active duty (other than for training), for duty during the Persian Gulf conflict as a member of a reserve component of the armed forces, and who is subsequently restored to or reemployed in a Government

position pursuant to chapter 43 of title 38, United States Code, is entitled to a special pay differential for each month of such duty in which the monthly military compensation of that individual is less than the monthly civilian compensation of that individual.

(2) The amount of the special pay differential to which an individual is entitled under this section for a month is equal to the difference between the monthly civilian compensation of such individual and the monthly military compensation of such individual.

(3) A special pay differential under this section shall not be payable for any days for which the individual involved continues to receive pay by reason of any annual leave, military leave, or other form of paid leave taken from such individual's last civilian position with the Government of the United States.

(b) SOURCE AND NATURE OF PAYMENT.—(1) A special pay differential under this section—

(A) shall be paid, in a lump sum, by the agency of the United States in which the individual involved is restored or reemployed (as the case may be); and

(B) shall be paid out of funds or appropriations available for salaries and expenses of such agency.

(2) A payment under this section shall not be considered to constitute basic pay.

(c) REGULATIONS.—(1)(A) The Office of Personnel Management, in consultation with the Secretary of Defense, shall prescribe such regulations as may be necessary to carry out this section with respect to employees within the executive branch.

(B) Such regulations shall include provisions for the proration of amounts in cases in which the special pay differential is for less than the entirety of a month.

(2) Regulations necessary to carry out this section with respect to employees within the legislative or judicial branch may be prescribed by the appropriate appointing authority for the employees involved. To the extent practicable, any regulations under this paragraph shall be consistent with regulations prescribed under paragraph (1).

(d) DEFINITIONS.—For purposes of this section—

(1) the term "Federal employee" means—  
(A) an employee, as defined by section 2105 of title 5, United States Code; and

(B) an employee of the United States Postal Service or the Postal Rate Commission;

(2) the term "active duty" has the meaning given that term in section 101(22) of title 10, United States Code;

(3) the term "Persian Gulf conflict" means the period beginning on August 2, 1990, and ending on the date prescribed by Presidential proclamation or by law;

(4) the term "reserve component" has the meaning given that term in section 101(24) of title 37, United States Code;

(5) the term "armed forces" has the meaning given that term in section 2101(2) of title 5, United States Code;

(6) the term "monthly civilian compensation" means the monthly amount resulting from averaging the net amount of basic pay (including any pay adjustment under section 302 or 404 of the Federal Employees Pay Comparability Act of 1990) received for service performed as a Federal employee over the 12-month period ending on the individual's last day of service as such an employee before entering upon active duty or, if employed for a shorter period, over the total period of service, with each amount weighted by the length of time over which it was received; and

(7) the term "monthly military compensation" means the amount of regular com-

pensation (as defined in section 101(25) of title 37, United States Code), special and incentive pays, and allowances paid under that title to the individual involved for a month.

(e) **EFFECTIVE DATE.**—This section shall be effective as of August 2, 1990, and shall apply with respect to compensation for active duty performed on or after that date.

**SEC. 4. POSTPONEMENT OF SES RECERTIFICATION DEADLINES FOR FEDERAL EMPLOYEES WHILE SERVING ON ACTIVE DUTY.**

Section 3393a of title 5, United States Code, is amended by adding at the end the following:

"(g)(1) For the purpose of this subsection, the term 'reserve component' has the meaning given that term in section 101(24) of title 37.

"(2) If a career appointee performs military service as a result of being ordered to active duty (other than for training) pursuant to any of the provisions of law cited in section 3552, the period of that military service shall be disregarded in determining—

"(A) the duration of such appointee's continuous employment as a senior executive (and the duration of any break in such employment) for purposes of determining whether the appointee is due for recertification;

"(B) in the case of a career appointee who is conditionally recertified, whether recertification occurs within the time required under subsection (e)(2)(D) in order to avoid removal; and

"(C) in the case of a career appointee who is conditionally recertified or not recertified, whether the appointee files a petition with the Merit Systems Protection Board to appeal that action, or to review a decision rendered by the Board or other authority under chapter 77 thereon, within the time prescribed."

**SEC. 5. THRIFT SAVINGS PLAN.**

(a) **IN GENERAL.**—(1) Title 5, United States Code, is amended by inserting after section 8432a the following:

**"§ 8432b. Contributions of persons who perform military service"**

"(a) This section applies to an employee who—

"(1) separates or enters leave-without-pay status in order to perform military service; and

"(2) is subsequently restored to or reemployed in a position which is subject to this chapter, pursuant to chapter 43 of title 38.

"(b)(1) Each employee to whom this section applies may contribute to the Thrift Savings Fund, in accordance with this subsection, an amount not to exceed the amount described in paragraph (2).

"(2) The maximum amount which an employee may contribute under this subsection is equal to—

"(A) the contributions under section 8432(a) which would have been made, over the period beginning on date of separation or commencement of leave-without-pay status (as applicable) and ending on the day before date of restoration or reemployment (as applicable);—

"(i) assuming a contribution rate of 10 percent; and

"(ii) not counting any amounts which would be attributable to any period during which such employee was not or would not have been eligible to contribute due to subparagraph (A), (B), or (C) of section 8432(b)(2) (except that section 8432(b)(2)(C) shall not be a basis for discounting any amounts if the election to terminate contributions involved is made within 2 months before commencing military service); reduced by

"(B) any contributions under section 8432(a) actually made by such employee over the period described in subparagraph (A) (in the matter before clause (i) thereof).

"(3) Contributions under this subsection—

"(A) shall be made at the same time and in the same manner as would any contributions under section 8432(a);

"(B) shall be made over the period of time specified by the employee under paragraph (4)(B); and

"(C) shall be in addition to any contributions then actually being made under section 8432(a).

"(4) The Executive Director shall prescribe the time, form, and manner in which an employee may specify—

"(A) the total amount such employee wishes to contribute under this subsection with respect to any particular period of military service (as referred to in paragraph (2)(B)); and

"(B) the period of time over which the employee wishes to make contributions under this subsection (not shorter than the period referred to in paragraph (2)(B) and not longer than 4 times such period).

"(c) If an employee makes contributions under subsection (b), the employing agency shall make contributions to the Thrift Savings Fund on such employee's behalf—

"(1) in the same manner as would be required under section 8432(c)(2) if the employee contributions were being made under section 8432(a); and

"(2) disregarding any contributions then actually being made under section 8432(a) and any agency contributions relating thereto.

"(d)(1) An employee to whom this section applies is entitled to have contributed to the Thrift Savings Fund on such employee's behalf an amount equal to—

"(A) 1 percent of such employee's basic pay (as determined under subsection (e)) for the period referred to in subsection (b)(2)(B); reduced by

"(B) any contributions actually made on such employee's behalf under section 8432(c)(1) with respect to the period referred to in subsection (b)(2)(B)

"(2) An amount under this subsection shall be paid—

"(A) by the agency to which the employee is restored or in which such employee is reemployed;

"(B) from the same source as would be the case under section 8432(e) with respect to sums required under section 8432(c); and

"(C) within the time prescribed by the Executive Director.

"(e) For purposes of any computation under this section, an employee shall, with respect to the period referred to in subsection (b)(2)(B), be considered to have been paid at the rate which would have been payable over such period had such employee remained continuously employed in the position which such employee last held before separating or entering leave-without-pay status to perform military service.

"(f)(1) For purposes of section 8432(g), in the case of an employee to whom this section applies—

"(A) a separation from civilian service in order to perform the military service on which the employee's restoration or reemployment rights are based shall be disregarded; and

"(B) such employee shall be credited with a period of civilian service equal to the period referred to in subsection (b)(2)(B).

"(2)(A) An employee to whom this section applies may elect, for purposes of section

8432(d), or paragraph (1) or (2) of section 8433(h), as the case may be, to have such employee's separation (described in subsection (a)(2)) treated as if it had never occurred.

"(B) An election under this paragraph shall be made within such period of time after restoration or reemployment (as the case may be) and otherwise in such manner as the Executive Director prescribes.

"(g) For purposes of section 8432(d), contributions made under this section shall be treated as if made under section 8432.

"(h) The Executive Director shall prescribe regulations to carry out this section."

(2) The table of sections for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8432a the following:

"8432b. Contributions of persons who perform military service."

(b) **PRESERVATION OF CERTAIN RIGHTS.**—(1) Section 8433(d) of title 5, United States Code, is amended by striking "subsection (e)." and inserting "subsection (e), unless an election under section 8432b(f)(2) is made to treat such separation for purposes of this subsection as if it had never occurred."

(2) Paragraphs (1) and (2) of section 8433(h) are each amended by striking the period at the end and inserting "; or, unless an election under section 8432b(f)(2) is made to treat such separation for purposes of this paragraph as if it had never occurred."

(c) **ELECTION TO RESUME REGULAR CONTRIBUTIONS UPON RESTORATION OR REEMPLOYMENT.**—Section 8432 of title 5, United States Code, is amended by adding at the end the following:

"(i)(1) This subsection applies to any employee—

"(A) to whom section 8432b applies; and

"(B) who, during the period of such employee's absence from civilian service (as referred to in section 8432b(b)(2)(B))—

"(i) is eligible to make an election described in subsection (b)(1); or

"(ii) would be so eligible but for having either elected to terminate individual contributions to the Thrift Savings Fund within 2 months before commencing military service or separated in order to perform military service.

"(2) The Executive Director shall prescribe regulations to ensure that any employee to whom this subsection applies shall, within a reasonable time after being restored or reemployed (in the manner described in section 8432b(a)(3)), be afforded the opportunity to make, for purposes of this section, any election which would be allowable during a period described in subsection (b)(1)(A)."

(d) **APPLICABILITY TO EMPLOYEES UNDER CSRS.**—Section 8351(b) of title 5, United States Code, is amended by adding at the end the following:

"(1) In applying section 8432b to an employee contributing to the Thrift Savings Fund after being restored to or reemployed in a position subject to this subchapter, pursuant to chapter 43 of title 38—

"(A) any reference in such section to contributions under section 8432(a) shall be considered a reference to employee contributions under this section;

"(B) the contribution rate assumed under section 8432b(b)(2)(A)(i) shall be the maximum percentage allowable under subsection (b)(2) of this section; and

"(C) subsections (c) and (d) of section 8432b shall be disregarded."

(e) **EFFECTIVE DATE; APPLICABILITY.**—This section and the amendments made by this section—

(1) shall take effect on the date of enactment of this Act; and



(2) shall apply to any employee whose release from military service, discharge from hospitalization, or other similar event making the individual eligible to seek restoration or reemployment under chapter 43 of title 38 occurs on or after August 2, 1990.

(F) RULES FOR APPLYING AMENDMENTS TO EMPLOYEES RESTORED OR REEMPLOYED BEFORE EFFECTIVE DATE.—In the case of any employee (described in subsection (e)(2)) who is reemployed or restored (in the circumstances described in section 8432b(a) of title 5, United States Code, as amended by this section) before the date of enactment of this Act, the amendments made by this section shall apply to such employee, in accordance with their terms, subject to the following:

(1) The employee shall be deemed not to have been reemployed or restored until—

(A) the date of enactment of this Act, or  
(B) the first day following such employee's reemployment or restoration on which such employee is or was eligible to make an election relating to contributions to the Thrift Savings Fund,

whichever occurs or occurred first.

(2) If the employee changed agencies during the period between date of actual reemployment or restoration and the date of enactment of this Act, the employing agency as of such date of enactment shall be considered the reemploying or restoring agency.

(3)(A) For purposes of any computation under section 8432b of such title, pay shall be determined in accordance with subsection (e) of such section, except that, with respect to the period described in subparagraph (B), actual pay attributable to such period shall be used.

(B) The period described in this subparagraph is the period beginning on the first day of the first applicable pay period beginning on or after the date of the employee's actual reemployment or restoration and ending on the day before the date determined under paragraph (1).

(4) Deem section 8432(b)(2)(A) of such title to be amended, in the matter before clause (i), by striking "ending on the day before date of restoration or reemployment (as applicable)" and inserting "ending on the date determined under section 5(f)(1) of the Federal Employee Reservist Benefit Extension Act of 1992".

#### SEC. 6. CONTINUED ELIGIBILITY FOR LIFE INSURANCE AND HEALTH BENEFITS; EXTENSION RELATING TO AN ALTERNATIVE FORM OF ANNUITY.

(a) LIFE INSURANCE.—Chapter 87 of title 5, United States Code, is amended—

(1) in section 8706—

(A) by redesignating subsection (g) as subsection (f); and

(B) by adding at the end the following:

"(g)(1) Notwithstanding subsection (a), the insurance of an employee who enters on leave without pay as a result of being ordered to active duty (other than for training) pursuant to any of the provisions of law cited in section 3552 shall continue for so long as the employee remains in nonpay status, but not beyond—

"(A) the date on which active duty ends,

"(B) if reemployment or restoration rights are available after active duty ends, the last day on which such rights are available, or

"(C) the last day through which insurance would otherwise continue under subsection (a),

whichever is latest.

"(2) Upon termination of continued coverage under this subsection, the employee shall be afforded a temporary extension of

life insurance coverage and the opportunity to convert to an individual policy of life insurance, to the same extent and in the same manner as if the insurance had stopped as provided by subsection (a).";

(2) in section 8714a(c), by adding at the end the following:

"(4)(A) The optional insurance of an employee who enters on leave without pay as a result of being ordered to active duty (other than for training) pursuant to any of the provisions of law cited in section 3552 shall continue for so long as the employee remains in nonpay status, but not beyond—

"(i) the date on which active duty ends,

"(ii) if reemployment or restoration rights are available after active duty ends, the last day on which such rights are available, or

"(iii) the last day through which insurance would otherwise continue under paragraph (1),

whichever is latest.

"(B) Upon termination of continued coverage under this paragraph, the employee shall be afforded a temporary extension of life insurance coverage and the opportunity to convert to an individual policy of life insurance, to the same extent and in the same manner as if the insurance had stopped as provided by paragraph (1).";

(3) in section 8714b(c), by adding at the end the following:

"(3)(A) The additional optional insurance of an employee who enters on leave without pay as a result of being ordered to active duty (other than for training) pursuant to any of the provisions of law cited in section 3552 shall continue for so long as the employee remains in nonpay status, but not beyond—

"(i) the date on which active duty ends,

"(ii) if reemployment or restoration rights are available after active duty ends, the last day on which such rights are available, or

"(iii) the last day through which insurance would otherwise continue under paragraph (1),

whichever is latest.

"(B) Upon termination of continued coverage under this paragraph, the employee shall be afforded a temporary extension of life insurance coverage and the opportunity to convert to an individual policy of life insurance, to the same extent and in the same manner as if the insurance had stopped as provided by paragraph (1)."; and

(4) in section 8714c(c), by adding at the end the following:

"(3)(A) the optional life insurance on family members of an employee who enters on leave without pay as a result of being ordered to active duty (other than for training) pursuant to any of the provisions of law cited in section 3552 shall continue for so long as the employee remains in nonpay status, but not beyond—

"(i) the date on which active duty ends,

"(ii) if reemployment or restoration rights are available after active duty ends, the last day on which such rights are available, or

"(iii) the last day through which insurance would otherwise continue under paragraph (1),

whichever is latest.

"(B) Upon termination of continued coverage under this paragraph, temporary extension of life insurance coverage and opportunity for conversion to individual policies of life insurance, shall be afforded to the same extent and in the same manner as if the insurance had stopped as provided by paragraph (1).";

(b) HEALTH BENEFITS.—Section 8906(e) of title 5, United States Code, is amended by adding at the end the following:

"(3)(A) In the case of an employee enrolled in a health benefits plan under this chapter who enters on leave without pay as a result of being ordered to active duty (other than for training) pursuant to any of the provisions of law cited in section 3552, coverage of the employee and coverage of members of the employee's family shall continue for so long as the employee remains in nonpay status, but not beyond—

"(i) the date on which active duty ends,

"(ii) if reemployment or restoration rights are available after active duty ends, the last day on which such rights are available, or

"(iii) the last day through which coverage would otherwise continue under paragraph (1),

whichever is latest.

"(B) During the period of continued coverage under this paragraph, the employee and Government contributions shall be paid by the employee's employing agency.".

(c) ALTERNATIVE FORM OF ANNUITY.—Sections 8343a(f)(2) and 8420a(f)(2) of title 5, United States Code, are each amended—

(1) in subparagraph (A), by striking the final "or";

(2) in subparagraph (B), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(C) who is separated from Government service voluntarily and—

"(i) was a member of the armed forces who, before December 1, 1990, was ordered to active duty (other than for training) pursuant to any of the provisions of law cited in section 3552 in connection with Operation Desert Shield;

"(ii) is entitled to an annuity payable out of the Civil Service Retirement and Disability Fund, based on such individual's service, having a commencement date not later than the first day of the first month beginning at least 90 days after termination of that period of active duty; and

"(iii) would have been eligible to make an election under this section as of November 30, 1990.".

(d) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the amendments made by this section—

(A) shall take effect as of the 60th day after the date of enactment of this Act; and

(B) shall apply to any employee who enters on leave without pay as a result of being ordered to active duty (other than for training), pursuant to any of the provisions of law cited in section 3552 of title 5, United States Code (as amended by section 2), on or after August 2, 1990.

(2) The amendments made by subsection (c) shall take effect as of December 1, 1991.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. ACKERMAN] will be recognized for 20 minutes, and the gentleman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. ACKERMAN].

#### GENERAL LEAVE

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on H.R. 3209, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ACKERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, more than 17,000 Federal and postal employees were called to military service during Operation Desert Shield and Desert Storm.

We owe these brave men and women a debt of gratitude, and we should also recognize that many of these employees fought for our country at great financial sacrifice. The financial obligations which these individuals had incurred as civilian employees did not end when they were called to active duty.

Many State and local governments and private companies have recognized this sacrifice and provided benefits for their employees who were called to active military duty.

For example, New York State provided a wage supplement for its employees, the city of Chicago continued the salaries of its employees, and in the private sector the New York Power Authority, AT&T, IBM, General Electric, and GTE provided some pay differential for employees called to active duty.

The Federal Government should join with these, and other enlightened employees, to provide a financial safety net for military reservists.

H.R. 3209 would provide a special pay differential for Federal and postal employees. The differential will make up any disparity between an employee's civilian pay and his or her military pay and will come from funds already appropriated for salaries and expenses.

The bill also allows Federal and postal employees to make up contributions to the thrift savings plan missed because of military service, and extends health and life insurance to Federal and postal employees for the duration of the military callup instead of the 1-year extension in current law.

Mr. Speaker, the amendment to H.R. 3209 clarifies that the salary differential will be paid from funds already appropriated for salaries and expenses. The amendment also makes clear that Federal and postal employees who perform any kind of military service may make up missed contributions to the thrift savings plan, and that the make-up is not limited to those who served in the National Guard or Reserves.

Last, the amendment removes claims court judges, bankruptcy judges, and magistrates from those employees who would be eligible to make up contributions to the thrift savings plan. The Committee on Post Office and Civil Service has been advised that, because of the nature of their appointments, these employees are never placed in a leave without pay status and therefore have no need to make up contributions.

Mr. Speaker, I want to salute my colleagues Mr. SIKORSKI, Mr. DURBIN, Mrs. MORELLA, and Mr. SOLOMON, all of whom introduced bills to help Federal

employees who served in the Persian Gulf.

I also want to point out that the American Legion, the Reserve Officers Association of the United States, as well as Federal and postal employee organizations support H.R. 3209, and I urge my colleagues to support the bill.

□ 1220

Mr. Speaker, I reserve the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3209, the Federal Employee Reservist Benefit Extension Act and commend the chairman of the Subcommittee on Compensation and Employee Benefits for introducing this legislation and for shepherding it through the hearing process and through the Committee on Post Office and Civil Service where it passed 22 to 0 by recorded vote.

I am pleased to be an original cosponsor of this important bill. It is similar to H.R. 1308, legislation I had introduced to address concerns regarding Federal reservists. I am pleased that my chairman and I have similar goals to assist Federal employees.

Mr. Speaker, a year ago, our Nation was at war—a war in which our troops emerged victorious. At that time we gave our military the highest praise. We acknowledged that our volunteer military force was supported professionally by reservists who fought shoulder to shoulder in all aspects of that endeavor.

At the conclusion of that effort, in the private sector, some of our Fortune 500 companies, including IBM, Mobil, and General Electric sought to minimize their employees' financial anxiety by offering a monetary supplement to the reservists' military pay. Many Members felt that this gesture should be extended to reservists who are Federal employees. Mr. Speaker, H.R. 3209 provides this pay differential to Federal employee reservists; the differential is the difference between the employees' Federal pay and the amount paid to the reservist by the military.

The amount of money used to pay the differential is money already appropriated to Federal agencies for expenses. If this money is not spent on salaries, it could be spent by the agencies for other items, such as furnishings, supplies, and so forth. There is no mandate that this money has to be returned to the Treasury.

H.R. 3209 protects the recertification rights of Senior Executive Service employees who served in the Persian Gulf war. Additionally, the bill provides the mechanism for Federal employees to continue contributing to the thrift savings plan, which is an important component of the retirement system. Any loss of contributions may reduce, and therefore adversely affect, an employee's retirement benefits. This bill also

provides for an alternative form of annuity to be paid to reservists under certain circumstances.

Mr. Speaker, the Federal Government should be a leader in protecting employee rights. It should do no less than some large private companies. In fact, the Federal Government should be a leader.

If we are to continue to attract reservists from the Federal Government, we cannot ask people to forfeit their regular salary for lesser compensation when called to active military service on behalf of this great Nation.

Almost 90 years ago, Theodore Roosevelt declared,

A man (and in this era, a woman) who is good enough to shed his/her blood for (t)his country is good enough to be given a square deal afterwards.

Mr. Speaker, I again want to commend the gentleman from New York for his work in bringing H.R. 2903 to the floor and to the chairman of the Committee on Post Office and Civil Service for expediting this bill. I urge my colleagues to approve this legislation.

Mr. Speaker, I yield such time as he may consume, up to a maximum of 5 minutes, to my distinguished colleague, the gentleman from Arizona [Mr. RHODES].

Mr. RHODES. Mr. Speaker, I thank the gentlewoman from Maryland [Mrs. MORELLA] for yielding this time to me, and I assure her that I shall not go beyond my maximum 5 minutes.

Mr. Speaker, I reluctantly rise in opposition to this bill. I certainly recognize what it is that the committee is trying to do, and I do not necessarily disagree with it. But I have three basic problems with the bill, two of them related to process.

Mr. Speaker, I think this is an important piece of legislation, and I think that bringing it up under the Suspension Calendar, when the vast majority of the Members of the House are not here and not able to participate, is not an appropriate way to handle a bill such as this.

Second, we have the oft-recurring conflict as far as pay-as-you-go is concerned. The report filed by the committee, too, has an observation or a report by the Congressional Budget Office saying there is no increased direct spending and, therefore, no pay-as-you-go problems with the bill. On the other hand, the Office of Management and Budget says there is an increase in direct spending in the amount of some \$13 million, and, as a consequence, there are pay-as-you-go implications. If there are, certainly a point of order would lie against the bill, but I have not discussed that issue with the gentlewoman from Maryland [Mrs. MORELLA] or the gentleman from New York [Mr. ACKERMAN]. I do not think it would be fair for me to raise a point of order at this time, not having given



them the opportunity to prepare for that, so I will not raise a point of order.

My third issue is more substantive. As the report of the committee notes, approximately 245,000 reservists were called to active duty during the Persian Gulf crisis, and among those were approximately 17,000 Federal employees. The report goes on to note, and both the gentleman from New York [Mr. ACKERMAN] and the gentlewoman from Maryland [Mrs. MORELLA] have also noted, that certain public sector employees, such as the city of Chicago, and the State of New York, have provided some kind of wage differential compensation to their employees who were called up, that some large private sector employers, such as the New York Power Authority, AT&T, IBM, General Electric, and GTE, have provided, "some pay differential for employees called to active duty."

□ 1230

We do not appear, though, to have information as to how many of the 245,000 total reservists who were called up are in fact covered by either of those public sector or private sector employers. We have no indication that these wage differentials that have been provided by these employers in fact make the reservists whole, as if that reservist had not been called to active duty at all, and we certainly have no idea as to how many of the 245,000 persons called up are not covered by any such mechanism as this.

So the issue really is one of equity and fairness. Is it fair for us to use the Federal Treasury to make these 17,000 Federal employees completely whole, as if they had never been called to active duty, while the balance of the 245,000, or at least some large portion of them, will have to bear the financial burden in total? I certainly do not denigrate those who were called up either from private sector employers or public sector employers. I certainly do not belittle the effort they made on behalf of their country. I simply do not believe that it is appropriate or fair for us to set aside a certain class of individual reservists who were called to active duty, to set aside this class of employees and say they will be treated differently from any others and they will suffer no financial hardship as a result of being called to active duty. I do not think that is fair to the others. I think that is something the whole House ought to be concerned with.

Therefore, Mr. Speaker, I oppose the bill, and I will ask for a recorded vote on passage.

Mr. ACKERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in response to my colleague's concern about OMB's estimate of H.R. 3209, let me say that the committee believes that we have provided

an offset for the direct spending created by the special salary differential.

H.R. 3209 requires that agencies pay for the salary differential out of existing appropriations for salaries and expenses. The Congressional Budget Office estimate that appears in the committee report agrees that a sufficient offset has been provided. The CBO estimate states in part that any increase in direct spending "would be offset by a reduction in the agency's discretionary budget authority because the agencies would be required to pay the benefit out of existing funds \* \* \*."

CBO states further that the net effect of the special salary differential on direct spending would be zero.

I believe that we have provided an offset that satisfies the requirements of the Omnibus Budget Reconciliation Act of 1990.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the gentleman's posing his concerns, and I want to associate myself with the comments of the gentleman from New York [Mr. ACKERMAN].

Actually, the \$13 million comes about from the possibility of the pay differential, which originally they thought might be \$39 million. So it is even less than that, and it would come out of the existing agency's appropriation. So there is absolutely no expenditure, and this is the way to go.

Mr. Speaker, this is a Tuesday. There is a full day of business here in the House, and I have no further requests for time.

Mr. Speaker, I yield back the balance of my time.

Mr. DURBIN. Mr. Speaker, I rise in support of this legislation, which will give Federal employees who served in the Persian Gulf the chance to make up for the significant financial losses they suffered because of their service to our Nation.

I introduced legislation early last year to grant Federal employees activated for duty in the Persian Gulf a pay differential when their civilian pay exceeds military pay. The 17,000 Federal workers who were activated during the Persian Gulf crisis and served their country as members of the National Guard or Reserves made significant sacrifices and important contributions to their country. I believe it was our duty, in return, to try to protect them as much as possible against financial hardship.

This legislation will pay these Federal workers a special pay differential for each month of military duty in which their monthly military compensation was less than their monthly civilian compensation.

Mr. Speaker, private sector and public sector employers around the country offered their activated workers a pay differential. Our Federal Government should do no less.

Three major surveys conducted in early 1991 showed that over half of the private corporations surveyed were giving some pay differential. Among the companies were AT&T, IBM, General Electric, Kimberly-Clark,

BellSouth, Merck, Ford, General Motors, Chrysler, and, ironically, Honda, Nissan, and Toyota. And these companies are not exceptions.

While a majority of corporate America responded to the financial crisis facing its activated employees and provided relief, corporate America was not alone. Many public sector employers also came to the aid of their employees.

I conducted my own partial survey of State government to determine what they were doing. I found that many States were providing continuing pay for employees during their call up. For instance, Arkansas, California, Florida, Illinois, Minnesota, New Jersey, New York, Ohio, Pennsylvania, Tennessee, and West Virginia were all granting a pay differential. Federal employees deserve the same treatment.

Mr. Speaker, our Nation relies on the volunteer service of our National Guard and Reserves as an important component of our armed forces. If that volunteer spirit is to endure, we must treat those volunteers fairly when they are called up for duty and deprived of the income they need to avoid financial hardship. This bill says that those who serve their country will not be left in the financial lurch.

I urge the passage of this bill.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 3209, the Federal Employee Reservist Benefit Extension Act of 1992. This legislation grants relief to our Federal employee reservists who selflessly volunteered their services toward our victory in Operation Desert Storm. These employees suffered great financial hardship when they were called upon to serve our country in a military capacity. We should not punish their actions by denying them and their families needed financial support.

H.R. 3209 provides a pay differential for these reservists. This differential reflects the amounts in pay between the reservist salary and the Federal salary. The measure also contains a catchup provision for reservists to participate in the Federal Employees Retirement Thrift Savings Plan. In addition, employees called to active military duty would have his or her life insurance extended for the duration of the military callup, rather than for the first 12 months only. Health insurance benefits would also be extended in like manner.

H.R. 3209 represents sound legislation. I know that many private sector employers have already paid the differential to their respective employee-reservists. Companies such as Xerox, General Electric, Exxon, IBM, Mobil, Phillip Morris—I could go on with a whole laundry list if needed—have all offered the pay differential to their employee reservists. Apart from the humanitarian intent of this legislation, the benefits incorporated in H.R. 3209 are simply those an employer needs in order to compete for talented workers. And the Federal Government certainly can use every available tool when it comes to competing for the best and brightest work force.

My colleagues should be glad to see that H.R. 3209 meets the important budget standards of pay-as-you-go. According to the Congressional Budget Office, enactment of H.R. 3209 should not result in more than \$500,000 of direct spending. This is accomplished by re-

quiring that the pay differential be paid from the existing appropriations for the employing agency, meaning that agencies would have to use fiscal year 1992 moneys for service performed last year as well as any continuing service. Again, I stress that CBO estimates that the net effect of this section on direct spending would be zero.

I want to commend the chairman of the Subcommittee on Compensation and Employee Benefits, the gentleman from New York, Mr. ACKERMAN, for expertly combining the best provisions of several reservists bills, including those of the gentledady from Maryland, Mrs. MORELLA, and our good friend from Minnesota, Mr. SIKORSKI.

Mr. Speaker, H.R. 3209 is good legislation which needs our support. Accordingly, I urge all of my colleagues to join me today in support of this legislation.

Mr. ACKERMAN. Mr. Speaker, I thank the gentlewoman from Maryland [Mrs. MORELLA], and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from New York [Mr. ACKERMAN] that the House suspend the rules and pass the bill, H.R. 3209, as amended.

The question was taken.

Mr. RHODES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### AMENDING THE STEWART B. MCKINNEY HOMELESS ASSISTANCE AMENDMENTS ACT OF 1988

Mr. GONZALEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4449) to authorize jurisdictions receiving funds for fiscal year 1992 under the HOME Investment Partnerships Act that are allocated for new construction to use the funds, at the discretion of the jurisdiction, for other eligible activities under such act and to amend the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 to authorize local governments that have financed housing projects that have been provided a section 8 financial adjustment factor to use recaptured amounts available from refinancing of the projects for housing activities.

The Clerk read as follows:

H.R. 4449

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. AVAILABILITY OF NEW CONSTRUCTION FUNDS UNDER HOME INVESTMENT PARTNERSHIPS ACT.

Section 217(b)(1)(A) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12747(b)(1)(A)) is amended by adding at the end the following new clause:

"(iii) Notwithstanding clauses (i) and (ii), any jurisdiction receiving amounts made available under such clause may, at the dis-

cretion of the jurisdiction, use such amounts for other eligible uses in accordance with section 212 if the jurisdiction determines that such use will better meet the housing needs within the jurisdiction. This clause shall be effective only with respect to funds provided under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992 (Public Law 102-139; 105 Stat. 744), which suspends the requirement of contributions by participating jurisdictions, and shall become ineffective if such requirement is reimposed."

#### SEC. 2 USE OF FUNDS RECAPTURED FROM REFINANCING LOCAL FINANCE PROJECTS.

(a) IN GENERAL.—Section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437f note) is amended—

(1) by inserting "or any local government or local housing agency financed project," after "State financed project"; and

(2) by inserting "or the local government or local housing agency initiating the refinancing, as applicable," after "located".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to any refinancing of a local government or local housing agency financed project approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992.

(c) CONFORMING AMENDMENTS.—The Stewart B. McKinney Homeless Assistance Amendments Act of 1988 is amended—

(1) by striking the section heading for section 1012 (42 U.S.C. 1437f note), and inserting the following new section heading:

"SEC. 1012. USE OF FUNDS RECAPTURED FROM REFINANCING STATE AND LOCAL FINANCE PROJECTS,"

and

(2) in the table of contents in section 1(b), by striking the item relating to section 1012 and inserting the following new item:

"Sec. 1012. Use of funds recaptured from refinancing State and local finance projects."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. GONZALEZ] will be recognized for 20 minutes, and the gentlewoman from New Jersey [Mrs. ROUKEMA] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise to offer H.R. 4449. This bill makes certain technical corrections to the HOME Program which communities across the country are preparing to implement. The HUD regulations for the Home Program were written to require communities to utilize certain HOME funds only for new construction. To avoid tying a community's hands or possibly having them lose their HOME funds, this bill is necessary.

Second, this bill would permit local housing authorities which have refinanced bond debt issued in the early 1980's for certain affordable housing to attain lower interest rates to share equally in any savings or recaptured funds with the Federal Government.

This provision mirrors a provision already in law for bond debt issued by State housing finance agencies.

These provisions have been accepted by both sides of the aisle and by the administration and I urge adoption of H.R. 4449.

Mr. Speaker, the very distinguished gentleman from Massachusetts [Mr. FRANK] has been in the forefront of this effort to provide this very, very creative legislation, and I yield such time as he may consume to the gentleman because our distinguished ranking minority member has suggested that I yield to him first, and I do so with great pleasure and a debt of gratitude.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the chairman of the committee for his understated introduction. I appreciate very much his leadership in this matter.

Mr. Speaker, what we have here has been brought to us on a bipartisan basis, and I want to express my appreciation to the chairman and the majority staff, to the ranking minority member and the staff on the minority side, and the administration. This is responsive, I think, to the kinds of things people have asked us to do.

There has been a lot of discussion about entrepreneurial government and flexibility. People should know that this is a bill that, as we have been told by CBO, has zero negative budget impact. In fact, if anything, I think it probably has a positive impact. It provides flexibility and incentives. It is the kind of thing we on both sides of the Subcommittee on Housing have been working on for some time, and there have been other examples of this. I would cite the programs we created during the S&L legislation, the Federal Home Finance Board, under the chairman's leadership, and the RTC and FDIC, with the work of some of us.

What we are trying to do is maximize our ability to get a good bang from our buck. This is an example. We passed legislation known as the HOME Program, which is an innovative way of providing housing funds to municipalities, and we wanted to provide the maximum flexibility.

□ 1240

As we read the legislation as it emerged from a lengthy conference process, it is subject to the interpretation that some communities have no choice but to spend their Federal allocation on new construction.

Part of what this bill does is simply say to those communities that if they decide that they want to do new construction, they may. But if they decide they would be better off with acquisition, now, in many parts of the country we have had a real estate problem. As a result, there is housing that is on the market that is fairly low in price by historic standards.

In my own communities that I represent, it was the community develop-



ment directors of the city of Newton and the town of Brookline, Steve Guttrel and Sara Wallace, who called this to my attention, there are properties we can probably buy at far less than it would cost to build new ones.

This bill simply allows the local communities to do that in that one provision. It is a model that I hope we will follow.

Second, and this was a part of it where the impulse came on the minority side, we have I think what the people who advocate entrepreneurial government should like and what we should encourage.

We have local agencies that have financed housing. Many of them, and I am reading now from a letter that was sent by John Murphy from the Association of Local Housing Finance Agencies, he thanks us for the bill. He says:

I am pleased to advise you of the strong support of the Association of Local Housing Finance Agencies.

Mr. Murphy says it will save some money. He says:

The Federal Government will benefit through recapture of its share of Section 8 savings, while additional low income persons will be housed by the Local Housing Finance Agencies' share of the Section 8 savings.

Mr. Speaker, what this does is to give the local authorities the incentive to refinance.

As they point out, nearly 1.5 billion dollars' worth of financing under a certain set of projects was financed during 1981 and 1983 when we had very high interest rates, 11 to 13 percent, they tell us, tax exempt.

Clearly there is a lot of savings that could be realized by refinancing. What this says to the local authorities is, refinance, and we will share the savings with you. Rather than refinance, and all the savings go to the Federal Government.

In a perfect world we would not need incentives. We would all do the right thing all the time. But until we get there, rational incentives make sense, and that is exactly what this does: It simply says to the local communities, maximize the savings, and we will share them with you.

So that is what this bill does. It is two pieces of flexibility that we think are an example of the way in which we ought to be going further.

Mr. Speaker, let me finally say at the suggestion of staff of the Subcommittee on Housing and Community Development, while we are technically amending in part the McKinney Act, this does not deal with those homeless programs under the McKinney Act. So those who have been legitimately protective of those should understand this is simply a provision that was included when we did the McKinney Act.

Mr. Speaker, in summary, this gives local communities the flexibility they ought to have to decide how to spend their home money, whether for new

construction, rehabilitation, acquisition, or whatever.

It also would give local communities the incentive to refinance, save Government money, and share the savings.

Mr. Speaker, I very much appreciate the cooperation that we have had on both sides in doing this. I thank the gentleman from Texas [Mr. GONZALEZ] as well.

Mr. Speaker, for the RECORD I include the letter from the executive director of the Association of Local Housing Finance Agencies.

ASSOCIATION OF LOCAL  
HOUSING FINANCE AGENCIES,  
Washington, DC, March 16, 1992.

Hon. BARNEY FRANK,  
House of Representatives,  
Rayburn House Office Building,  
Washington, DC.

DEAR CONGRESSMAN FRANK: I am pleased to advise you of the strong support of the Association of Local Housing Finance Agencies for H.R. 4449, legislation introduced by you, Reps. Roukema, Wylie, and Kennedy. This bill amends the HOME Investment Partnerships Act to permit communities qualifying for the new construction set-aside, at their discretion, to use as much or as little of funds allocated for that purpose for new construction. This amendment is necessary in order to avoid situations in which a HOME participating community may be allocated more funding for new construction than it can reasonably and expeditiously use. As you know a number of local governments are faced with such a situation, despite their identifying different needs in their Comprehensive Housing Affordability Strategies. Local governments need the essential flexibility which adoption of your bill would provide.

H.R. 4449 also amends the Stewart B. McKinney Act of 1988 to permit local housing finance agencies which have financed, using tax-exempt bonds, low-income multifamily housing projects and which received a financial adjustment factor (FAF) under Section 8 of the Housing Act of 1937 to recapture and use 50 percent of the savings, which result from refunding such bonds, for other low-income housing activities. A provision to this effect was inadvertently dropped in Conference from what became the National Affordable Housing Act of 1990. Section 1012 of the McKinney Act currently permits state housing finance agencies to retain 50 percent of any Section 8 savings which result from the refunding of bonds which financed FAF projects.

Nearly \$1.5 billion of bonds financing FAF-assisted projects were issued by local housing finance agencies (under the authority of Section 11(b) of the Housing Act of 1937) during 1981 to 1983, a time of extremely high interest rates (generally 11 to 13 percent tax-exempt). Now that many of these bonds are approaching the date on which they may be refunded (generally 10 years from the date of issuance), there is an opportunity to take advantage of substantially lower interest rates and the corresponding savings in Section 8 subsidies. Your legislation would provide ample incentive for local housing finance agencies to refund these funds. In so doing, both the federal government and low-income persons will be the beneficiaries. The federal government will benefit through recapture of its share of Section 8 savings, while additional low-income persons will be housed by the local housing finance agencies' share of the Section 8 savings.

On behalf of ALHFA, I urge adoption by the House of H.R. 4449.

Thank you for your leadership and that of Rep. Roukema, Wylie, and Kennedy on this critical legislation.

Sincerely,

JOHN C. MURPHY,  
Executive Director.

Mrs. ROUKEMA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4449, the HOME Improvement and Bond Refinancing Act, introduced by myself and the gentleman from Massachusetts [Mr. FRANK]. I would like to compliment the chairman, Mr. GONZALEZ and gentleman from Massachusetts for their leadership.

Since my colleague has already described the changes to the HOME Program relative to new construction allocations, a change which I support, I will address the second part of this bill—dealing with bond refinancings.

Between 1981 and 1984, at a time when the Reagan administration was cutting back on Federal spending on housing, HUD encouraged State housing finance agencies and local public housing authorities to issue tax-exempt bonds as a way to raise funds to meet local housing needs.

As an inducement, HUD agreed to pay the interest rates on these bonds issued by the authorities through a special financial adjustments factor [FAF] to the section 8 Federal housing subsidy program.

During this period, over 1 billion dollars' worth of these 11(b) bonds were issued which helped finance thousands of low-income housing units.

However, as my colleagues know, interest rates on tax-exempt bonds during the early 1980's averaged between 11 percent and 14 percent. This represented a sizable cost to HUD.

As interest rates began to fall in the mid-1980's, HUD began to encourage refinancing of these 11(b) bonds in order to recapture millions in section 8 subsidy. While some refinancings took place, most issuers found no reason to go through the process.

In 1988, when the Congress enacted amendments to the McKinney Act, it included a paragraph which permitted HUD to share 50 percent of any savings from refinanced bonds with State housing finance agencies. The legislation, I believe, inadvertently, omitted local housing authorities from the savings sharing provision.

In 1990, when the House passed the National Affordable Housing Act, it included a provision which would allow HUD to share cost savings with the local housing authorities. However, due to what we believe was a simple clerical error, this provision, while supported by the other body, was not included in the final version of the conference report.

This bill today reinstates that authority for HUD to share savings with local housing authorities.

Mr. Speaker, with millions of dollars at stake, this represents a good government initiative. With interest rates at an all-time low, we should be encouraging the refinancing of these bonds. And, even with the savings sharing inducement the Treasury and HUD stand to save a significant amount of money.

I believe we should authorize the sharing of the savings from refinanced FAF bonds and encourage HUD to resume the sharing of savings for pre-FAF bonds that are also being refinanced.

I urge the passage of this bill. The Administration [HUD] supports this bill. CBO indicates that there is no budget impact.

Mr. Speaker, I include the following documents for the RECORD:

STATEMENT OF ADMINISTRATION POLICY ON  
H.R. 4449, THE HOME PROGRAM IMPROVEMENTS  
AND BOND REFINANCING ACT

The Administration has no objection to enactment of H.R. 4449.

#### MEMORANDUM

To: Frank DeStefano, Attention: Dana Fischer.

From: Brent Shipp.

Subject: Potential budgetary effects of H.R. 4449.

As you know, the Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. Section 2 of the bill would reduce net federal spending and pay-as-you-go procedures would apply.

Section 1 of the bill would amend section 217(b) of the Cranston-Gonzalez National Affordable Housing Act (NAHA). Currently, section 215(b) requires that 15 percent of the funds made available for the HOME Investment Partnerships program (HOME) be used only to build or substantially rehabilitate affordable housing. H.R. 4449 would remove this requirement for funds appropriated for use in 1992. It is possible that this amendment could accelerate the disbursement of 1992 appropriations since more funds would be available for other faster-spending programs authorized by NAHA. The impact on the budget of this provision would be small. We would not assess a measurable shift in outlays as a result of the enactment of this language.

Section 2 of the bill would allow local housing agencies to keep 50 percent of the savings that would occur in the Department of Housing and Urban Development's (HUD) section 8 rental assistance program if certain outstanding tax-exempt bonds were refinanced. These bonds were issued to finance low-income housing during a period of high interest rates. If financing costs could be lowered, section 8 payments could be reduced. Total savings are estimated at about \$20 million per year for the next 10 years. Under the provisions of H.R. 4449, half of the savings would benefit the refinancing jurisdictions and half would be recaptured by the federal government. These federal savings would appear as negative outlays on the pay-as-you-go scorecard. Under current law, HUD has no authority to provide refinancing incentives to local housing authorities. In the absence of incentives, the refinancing and resulting savings are not likely to occur.

#### STATE FAF SAVINGS ESTIMATES

In response to your request of March 13, 1992, the following lists local agency share of

HAP contract savings by state. The universe estimate assumes that the legislation will cover all local agency closings on and after January 1, 1992. The numbers show 50 percent of savings for the remaining contract term not converted to present value. Savings are in millions of dollars, so add 000 after each entry.

AL	2,032
CT	3,429
GA	8,255
IN	2,032
MD	635
MO	635
NB	381
NY	6,858
RI	4,061
VA	1,016
AR	762
DC	2,413
HI	761
KS	1,143
ME	4,317
MS	762
NH	2,921
OH	11,049
SC	380
VT	508
AZ	2,031
DE	635
IA	508
KY	4,318
MI	2,794
NC	1,651
NJ	8,636
OR	380
TN	2,267
WA	2,920
CA	17,415
FL	7,366
IL	2,286
MA	2,287
MN	634
ND	380
NM	2,032
PA	10,414
TX	4,064
WV	761

Volume of potential savings does not necessarily match population in each state, because in some states nearly all FAF activity was done by the State Housing Finance Agency, and in other states most local agencies have already refunded their bonds.

Mr. GONZALEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I neglected to mention one point that is important and which I want to emphasize. I had discussions about this bill with the gentleman from New York [Mr. SCHUMER], who was a sponsor of much of what became the HOME Program. The gentleman generously joined in. But we did want to emphasize, one of the things this bill says is the requirement that local communities do new construction is suspended by this bill in part because, by a separate action, the House and Senate suspended the varying matching requirements under this legislation. That is, when the legislation passed, if a community wanted to do new construction, it had to do more of a match than if it did not.

Mr. Speaker, that was suspended by the appropriations bill last year. Members on both sides have different views as to the match. Nothing about this bill commits anybody to any future position with regard to the matching requirement.

Mr. Speaker, I did want to take note, which is an important point for the gentleman from New York [Mr. SCHUMER], that this bill does suspend the requirement that there be new construction for the same period of time that the matching requirements are suspended. When we do the new bill this year, we will be revisiting the whole subject.

Mrs. ROUKEMA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GONZALEZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Texas [Mr. GONZALEZ] that the House suspend the rules and pass the bill, H.R. 4449.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 4449, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### REGARDING SIGNING OF AGREEMENTS FOR FORMAL CEASE-FIRE IN EL SALVADOR

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 391) expressing the sense of the House of Representatives regarding the signing of the agreements for a formal cease-fire in El Salvador, and for other purposes.

The Clerk read as follows:

#### H. RES. 391

Whereas the people of El Salvador have suffered twelve years of civil war, violence, and destruction, affecting an entire generation of Salvadorans and virtually every sector of society;

Whereas peace and reconciliation will permit the Salvadoran people to exert their productive capabilities in efforts to restructure their society, rebuild their economy, and further strengthen democracy;

Whereas El Salvador has achieved through negotiations a peaceful resolution to years of bloody and destructive armed conflict;



Whereas the government of President Alfredo Cristiani has successfully fulfilled its promise to the people of El Salvador made on its first day in office that it will bring peace to the country;

Whereas the signing of the formal cease-fire agreements represents not only the end of the armed conflict but the beginning of a process to consolidate peace and democracy in El Salvador;

Whereas the Salvadoran people have declared February 1, 1992, the date of the signing of the formal cease-fire, to be National Peace Day;

Whereas the success of the Salvadoran negotiating process, with the active and indispensable contribution of the United Nations, can provide a model for the resolution of other conflicts around the world;

Whereas the United States has played a significant role in El Salvador during the years of crisis; and

Whereas the people of El Salvador and its neighbors in Latin America will be the primary beneficiaries of peace: Now, therefore, be it

*Resolved*, That (a) the House of Representatives hereby—

(1) commends and congratulates all parties to the negotiations, the United Nations Secretary General Javier Perez de Cuellar, and the Salvadoran people for their persistence, commitment, and dedication to the task of achieving peace;

(2) extends particular praise to President Cristiani for the courage and determination of his personal efforts to bring peace to El Salvador;

(3) commends and congratulates the governments of Colombia, Mexico, Spain, and Venezuela for their important contribution as "friends" of the United Nations Secretary General in support of the negotiating process; and

(4) encourages the Salvadoran people and all sectors of Salvadoran society to commit themselves to the long-term process of consolidating peace, democracy, and economic and social development.

(b) It is the sense of the House that—

(1) the United States should commit itself to providing appropriate assistance to the government and people of El Salvador that promotes the process of reconstruction, reconciliation, and further strengthening of democracy and democratic institutions;

(2) the United States should commit itself to seeking and encouraging other members of the international community to contribute materially to this process in El Salvador; and

(3) the United States should commit itself to cooperating with United Nations efforts to monitor compliance with the peace agreements in El Salvador and other efforts pertaining to the United Nations role in post-war El Salvador.

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). Pursuant to the rule, the gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

□ 1250

Mr. FASCELL. Mr. Speaker, I would like to commend the gentleman from Pennsylvania [Mr. MURTHA] for introducing this legislation. He has been a

leader in helping to craft the legislative package on assistance to El Salvador in the past, and so it is appropriate that he is the principal author of this particular resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Speaker, I just want to compliment the gentleman from Florida [Mr. FASCELL] for his leadership in this, probably one of the most contentious subjects in the last 10 years. When I look back at all the problems we had with all the votes that we took, winning only by one or two votes, and the three of us, the gentleman from Florida [Mr. FASCELL] and the gentleman from Michigan [Mr. BROOMFIELD] and myself usually stood together on this issue. And I think we have prevailed.

I do not know how many trips I made to Central America, but now that it is over and we look back, we realize how important it was to not only our national security but to the welfare of the people of El Salvador.

I want to compliment President Cristiani, who really was in the forefront. And of course, going back to President Duarte, who struggled against the military attacks from both sides. They took a center road and because of our assistance they were able to prevail.

I do not think there was anybody that worked harder than President Duarte to achieve peace and, finally, President Cristiani was able to overcome so many obstacles. But an awful lot of that was due to the work of the gentleman from Florida [Mr. FASCELL], and the gentleman from Michigan [Mr. BROOMFIELD], and the gentleman from Massachusetts [Mr. MOAKLEY], who was involved in this from the very start.

We reached what I consider a legitimate compromise. I think it was something that nobody was completely happy with, but it moved both parties toward a negotiated settlement.

A lot of people never believed, because of the bitter war that went on, that they could ever sit down at a table. President Cristiani took on himself the dangerous, the physical danger, and the mental anguish of fighting against his own, some of his own supporters in order to take a moderate position that finally prevailed on this issue which has helped stabilize Central America.

It is hard to look back and not see the tremendous amount of contention. I remember former Speaker O'Neill sent me down to Nicaragua, and I remember at that time we were concerned about Lincoln Air Field and putting jets into Nicaragua. We were concerned about the security of the Panama Canal and the guerrilla forces moving between all those countries and finally destabilizing the whole of Central America.

And because of the work that we have done, we believe that is a better area. But I have to compliment both sides in this final agreement. FMLN, President Cristiani, all of them were so important to the final outcome of this. And even though here on the floor some of the votes were only by one or two, a positive vote of one or two, we finally were able to pass legislation that moderated the situation and brought it to a successful conclusion.

People say, how long does it take to pass a bill? Well, sometimes it only takes a few minutes to pass a bill. But this type of thrust that we set, the tone that we set over the years has been so important in the overall conclusion to these very bitter disputes down in El Salvador.

So I have to compliment all the people involved, even though we had some bitter disagreements on the floor and we had some heated arguments between all sides, I think the final conclusion is proof that in the end, if we keep putting pressure on and we move a proposition which is right, which respects human rights, which downplays the significance of the military, and that was such an important situation.

I kept saying the military is still in control and something has to be done to bring them under civilian jurisdiction. I think this finally happened.

President Cristiani finally was able to, as elected President, get them under control. And much of that was due to our influence up here.

So there is plenty of praise to go around. I want to thank the gentleman from Florida [Mr. FASCELL] for the tremendous amount of work that he has done and, of course, the gentleman from Michigan [Mr. BROOMFIELD] for the work that they have done because they have specialized in this area and have spent an awful lot of time.

It is a thankless task in many regards.

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from Pennsylvania for his leadership on this issue, and say that the purpose of this resolution, of course, is to express the feelings of the Congress of the United States where we have had our own disputes on a very difficult subject.

I am proud to say that with the cooperation of the ranking minority member of the Committee on Foreign Affairs, the gentleman from Michigan [Mr. BROOMFIELD], and other members of the committee, as well as the task force that was appointed by the Speaker, the Committee on Foreign Affairs last week unanimously agreed to a unified position on United States policy toward El Salvador, something that has eluded us all up to this time.

And while we are expressing our thanks to people, let us not forget the Secretary General of the United Na-

tions, Javier Perez de Cuellar, who took a lead role in helping to bring about a settlement of this very, very difficult problem.

The ability to agree to the peace accords is even more amazing when we think of all the sides that were involved here—the military, the FMLN, and the Government of El Salvador which was in the middle of elections. Perhaps more important, however, is the fact that the Salvadoran people themselves proved their own desire by going to the polls time after time in overwhelming numbers to support the concept of democracy.

So this resolution is important for us to adopt, for it puts the Congress of the United States, a representative form of government, on record as recognizing the struggle of the people of El Salvador, a long, hard, bitter struggle. And we pray and hope that they will be successful in making the transition to democracy.

El Salvador now begins the difficult but positive task of implementing the peace accords and reconstructing the country. We, the United States, must stay as involved in this process as we have throughout their civil war. We must provide moral and financial assistance in order to ensure that the peace takes hold and the Salvadoran people have the opportunity to reconstruct their lives.

I urge Members to support the resolution we are considering today.

Mr. Speaker, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

I would like to commend the gentleman from Pennsylvania [Mr. MURTHA] for sponsoring this resolution. He has played a very leading role in this whole question of El Salvador now for many years. The civil war has been going on for nearly 12 years.

Mr. Speaker, I strongly support House Resolution 391, a resolution congratulating Salvadorans on the conclusion of their tragic civil war.

I commend Chairman FASCELL for bringing this issue to the floor. Last week, the Foreign Affairs Committee marked the legislation authorizing reconstruction assistance for El Salvador.

After years of divisive debates, we were able to reach bipartisan agreement on legislation which supports the Salvadoran peace process, economic rebuilding, and the peacetime missions of the Salvadoran Armed Forces. Congressmen TORRICELLI and LAGOMARSINO, chairman and ranking Republican of the Western Hemisphere Subcommittee, deserve congratulations for their patient effort to build the consensus in our committee.

While the Congress has seen many political battles on El Salvador over the years, thousands of Salvadorans

have been killed on the military battlefield. Fortunately, that is now behind us.

The FMLN guerrillas have finally decided to accept the democratic process and the Government of El Salvador made unprecedented concessions to meet FMLN concerns. Now that El Salvador is at peace, I would hope the United States Congress will not continue to fight old battles that are irrelevant to the task of peacemaking in El Salvador.

House Resolution 391 praises President Cristiani for his bold leadership in bringing peace to El Salvador. I have no doubt that without his courage and ability, a peace agreement would not have been possible. President Cristiani has earned the gratitude of all the people of the hemisphere. I congratulate him and the real beneficiaries of his work: the people of El Salvador. I urge my colleagues to support House Resolution 391.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, last week, the Foreign Affairs Committee reported two legislative items on El Salvador: Authorization legislation for reconstructions and the resolution before us today. I strongly support House Resolution 391, but would like to say just a few words about committee action on authorization legislation on El Salvador.

I have been involved in countless debates on El Salvador in my years as ranking Republican on the Subcommittee on Western Hemisphere Affairs, but last week was the first time we reached a bipartisan consensus on the issue.

Much of the credit goes to Chairman TORRICELLI, who as usual, was fair-minded in his search for consensus. It should go without saying the credit that is deserved and has been earned by JOHN MURTHA, DANTE FASCELL, BILL BROOMFIELD and many others, including Assistant Secretary of State Bernard Aronson is deserving of great credit, too.

I believe it is worthy of serious note that our committee—with some of the most liberal and the most conservative Members of this body—was able to reach agreement on one of the most contentious issues of the past decade. I hope our compromise legislation becomes the basis for congressional action on El Salvador this fiscal year.

This resolution is very similar to one which unanimously passed the Senate last month. It extends credit to where it is due: President Cristiani, the United Nations, and the people of El Salvador. I would add that restraint by Congress—in not sending the wrong signals and by refraining from actions which would have undermined the peace process—also aided El Salvador's historic achievement.

I never doubted President Cristiani's willingness and ability to bring peace

to his war-torn land. And I am pleased to give credit to Members of this body who resisted the temptation to undertake precipitous action which could very well have undermined the peace negotiations at crucial junctures.

Once again, I thank my colleagues for doing what Salvadorans have done: Moving beyond the old arguments and taking on the new challenges of a country at peace. It is a very significant day for us when El Salvador is considered on this floor in a bipartisan atmosphere of comity. I urge my colleagues to support House Resolution 391.

□ 1300

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, I thank the gentleman for yielding.

Let me express my appreciation to the gentleman from California [Mr. LAGOMARSINO], as the ranking member on the Western Hemisphere Affairs Subcommittee, for doing what we were able to do finally in arriving at a consensus. This would not have been possible without his hard work, his dedication, his leadership. It has been a long, hard struggle, one of the most contentious, I believe, that we have ever dealt with, but at long last finally both in Salvador and, hopefully, in the U.S. Congress we have achieved a measure that allows us to move forward in peace and in harmony.

I agree with the gentleman. I hope what we did in the Committee on Foreign Affairs will be the basis for continuation of the U.S. policy.

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman for his kind words.

Mr. FASCELL. Mr. Speaker, I yield back the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and agree to the resolution, H. Res. 391.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### REGARDING THE U.N. CONFERENCE ON ENVIRONMENT AND DEVELOPMENT

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 292) expressing the sense of the Congress with respect to U.S. participation in the U.N. Conference on Environment and Development [UNCED].



The Clerk read as follows:

H. CON. RES. 292

Whereas global environmental and development issues such as climate change, depletion of the ozone layer, the disposal of hazardous chemicals, deforestation, the loss of biological diversity, marine pollution, threats to the world's supply of freshwater, and rapid population growth, are high priority concerns of the United States, affecting the security and well-being of present and future generations;

Whereas reducing poverty and promoting sustainable economic growth and sound environmental management in the developing world are also high priority concerns of the United States;

Whereas these urgent global environmental and developmental challenges will require increased international cooperation between developing countries and developed countries, as well as strengthened international institutions;

Whereas the United Nations Conference on Environment and Development, to be held in Brazil in June 1992, represents an important opportunity to reach agreements on such international cooperation;

Whereas the United Nations Conference on Environment and Development should be viewed as a milestone in a continuing process of improving the international response to the issues within its purview;

Whereas the role of the United States in negotiations on the United Nations Conference on Environment and Development is crucial to its success; and

Whereas the final Preparatory Committee meeting for the UNCED will be held during March and April of 1992: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring).* That it is the sense of the Congress that, consistent with national sovereignty considerations, the position of the United States at the United Nations Conference on Environment and Development should—

(1) place the highest priority on the success of the United Nations Conference on Environment and Development by participating actively in the UNCED, particularly through the personal participation of the President of the United States;

(2) negotiate international agreements that effectively reduce the threat of climate change and biological diversity loss;

(3) propose and/or support an initiative on financing global environmental cooperation efforts that—

(A) takes into account the additional costs of international environmental protection and the basic development goals of developing countries; and

(B) increases accountability for the use of funds provided for environmental purposes;

(4) seek to advance the development of a stronger international legal framework, and the creation of appropriate institutional mechanisms, for protecting the global environment, including a process for monitoring compliance by nations with environmental agreements in force and monitoring compliance by all multilateral institutions with requirements for environmental impact assessment;

(5) seek to initiate a process of regular, highlevel intergovernmental consultations on the issues that are under consideration at UNCED and to establish improved organizational and procedural means to implement the objectives of UNCED;

(6) support programs aimed at encouraging a global transition to efficient and environmentally sustainable energy systems, includ-

ing priority on more efficient transportation systems and renewable sources of energy;

(7) support new programs and institutions to help developing countries become more energy efficient and otherwise increase their capacity for acquiring and using technology to make their economies more environmentally sustainable, such as training and research centers for energy efficiency and renewable energy sources;

(8) support global goals of slowing deforestation of primary forests, increasing worldwide forest cover, and preserving a specified amount of mature forests, and increase support for improved forest strategies that integrate all policy issues related to the loss of forests and eliminate economic incentives for deforestation;

(9) support the effective implementation of a global action plan to raise the economic, educational, and leadership status of women;

(10) support the development of new agreements to eliminate land-based sources of marine pollution and support cooperative efforts to address these sources of pollution at the regional level;

(11) support a process of international consultations involving relevant governments and multinational institutions aimed at identifying ways that poverty can be alleviated and natural resources better conserved through reduction of developing country debt burdens;

(12) support the development of a reformed system of national accounting that would reflect the full economic costs of environmental and resource degradation and the benefits of the sustainable use of natural resources;

(13) promote public participation in environmental and development decisions at all levels including a right for communities to be fully informed on the environmental threats to their well being; and

(14) support programs that provide maternal and child health care, education and training especially for women, and voluntary family planning.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 292, expressing the sense of Congress with respect to U.S. participation in the U.N. Conference on Environment and Development [UNCED].

The text of the resolution was approved by the Committee on Foreign Affairs last week by a voice vote. A clean resolution was then introduced, which is now before the House in the form of House Concurrent Resolution 292. I would like to thank my distinguished subcommittee chairmen, the Honorable GUS YATRON of the Subcommittee on Human Rights and International Organizations, and ROBERT G. TORRICELLI of Western Hemisphere Affairs, for their original efforts at the subcommittee level which led to this resolution. In addition, I wish to ac-

knowledge the support and leadership of the Honorable WILLIAM S. BROOMFIELD, ranking minority member of the committee, and that of the ranking members on the subcommittees, the Honorable ROBERT J. LAGOMARISINO, and DOUG BEREUTER. I commend all my colleagues on the committee for their commitment to this issue.

UNCED, which underscores the environment and development nexus, is expected to set the global agenda on these issues for well beyond the year 2000. Unless we act with alacrity, the UNCED agenda will be determined by others who may not have our best interests in mind. UNCED presents a major opportunity to forge a partnership among the nations of the world in addressing the panoply of issues and the immense challenges we face. The foundation for future cooperation on these issues is now being laid. The ultimate success of UNCED will be measured by how solid that foundation is, and how carefully that structure is crafted. It behooves us to have significant input into the architectural design of those plans.

The followup to UNCED will be even more important than the conference itself. The long-term success of UNCED will be measured not by the conference products alone, but by the global partnership that is shaped between the nations of the north and the south. Their shared commitment to action and sustainable management of the Earth's resources will be the enduring legacy of UNCED.

I am very pleased to say that House Concurrent Resolution 292 has broad bipartisan support. A total of 38 Members—34 from the Committee on Foreign Affairs—have cosponsored the resolution. During the various phases of formulating House Concurrent Resolution 292, the committee made a genuine and concerted effort to listen to and accommodate the concerns of all interested parties. The resolution now before us incorporates input from a number of Members and groups involved, including environmental and developmental groups, industry, and the administration.

In brief, House Concurrent Resolution 292 urges the United States to place the highest priority on the success of UNCED through U.S. leadership and active participation at the conference. It calls on the President to personally participate. The resolution highlights a number of issues for U.S. attention and leadership. Included among them are the negotiation of international agreements to reduce the threat of climate change and biodiversity loss. In fact, both of those conventions are being negotiated in fora outside of UNCED, but are to be ready to be signed at the Rio meeting. House Concurrent Resolution 292 also expresses support for strengthening institutional mechanisms and the inter-

national legal framework for dealing with the vast array of environment and development matters.

In addition, House Concurrent Resolution 292 urges the United States to propose or support an initiative for funding global environmental cooperation; and also to support a reformed system of national income accounting which incorporates environmental degradation into calculations of gross national product [GNP]. Other provisions advocate reducing deforestation and improving forest strategies; as well as promoting efficient energy and transportation, and renewable sources of energy. The resolution also highlights the need to effectively implement the global action plan to raise the status of women; and to promote public participation at all levels—local, national, and international. Finally, additional provisions address poverty alleviation and debt burdens; voluntary family planning, and maternal and child health care; as well as the need for cooperative efforts to eliminate land-based sources of marine pollution.

The U.N. Conference on Environment and Development is fast approaching. It is scheduled to take place June 1–12, 1992, in Rio de Janeiro, Brazil. I am very pleased to have been appointed to chair the House contingent to the official United States delegation to the Brazil meeting. UNCED occurs at a historic juncture in world politics, and as global cognizance of our planet's fragility intensifies. In the post-cold-war era, U.S. foreign policy will focus on the increasing interdependencies among nations, and transnational problems. UNCED arises two decades after the 1972 Stockholm Conference on the Human Environment. Further, it follows and builds on the 1986 United Nations Brundtland Commission report on Sustainable Development, chaired by Norwegian Prime Minister Gro Harlem Brundtland, which established the crucial links between environment and development.

I would like to include at this point correspondence between myself and the chairman of the Committee on Energy and Commerce on this resolution:

COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, February 19, 1992.

Hon. DANTE B. FASCELL,  
Chairman, Committee on Foreign Affairs, House  
of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Your staff has kindly advised my staff that your Subcommittees and your full Committee plan this month to consider resolutions, such as H. Res. 130, H. Con. Res. 263, and H. Con. Res. 266, concerning the United Nations Conference on Environment and Development (UNCED) and the related climate change and other negotiations. As you know, H. Res. 130 has been jointly referred to this Committee and your Committee. The Parliamentarian has been made aware of our concern and interest in the other resolutions.

The House Resolutions, among other things, encourage the signing of "international agreements" that may grow out of

the negotiations now in progress under the auspices of the United Nations and separate from the UNCED process. Many of the matters that could be a part of those agreements relate to matters and concerns of this Committee. In some cases, the resolutions relate to both national and international programs.

As you know, I am generally a supporter of the international negotiation process. However, I am concerned that some are looking at the success of the Montreal Protocol involving chlorofluorocarbons (CFCs) without considering the amount of time and work involved, as well as the very difficult process of balancing the concerns covered by that Protocol. They expect that success should be easily duplicated by the United Nations Conference on Environment and Development, including the development for signature of a framework convention on climate change separate from UNCED. However, unlike the Montreal Protocol negotiations, these UN matters cover many subjects and affect a wide range of activities and industries. The details of these agreements could have a significant impact on the United States and on its economy, its workers and on competition with our trading partners in the world. The House Resolutions are very general in terms. They do not consider important details, nor do they mention these possible impacts, which, as you know, are particularly important in the U.S. because of the current recession and attendant increasing unemployment. They should.

Enclosed is my letter of November 7, 1991 to the Secretary of State and the Department's reply of January 22, 1992. Also enclosed is the Department's "Summary" of the Fourth Session of the negotiations which are planned to reconvene in New York later this month. Additionally, enclosed are two statements by the developing countries. Both emphasize that (a) developed countries, such as the U.S., should contribute "new and additional funds" to an International Climate Fund, (b) such developed countries should provide "access to technologies and know-how required for compliance with this Convention on concessional, preferential, and most favorable terms, to developing countries," and (c) that the developing countries should not be subject to commitments to address climate change, unless their incremental costs are "met" by new, adequate and additional financial resources from the developed countries."

I am concerned that these conditions of the developing countries need to be resolved in order to have a successful convention. I am concerned that the Resolutions do not adequately recognize this lack of resolution or the significance of these conditions or the difficulties in resolving them satisfactorily. Rather, the Resolutions appear to encourage the Executive Branch to be differential to the developing countries. That is troubling for several reasons.

Those countries are seeking a substantial amount of new and additional money at a time when the U.S. is retrenching on many foreign programs in favor of domestic needs. Finding even a portion of such sums will not be easy. Gaining support for such sums in Congress could be difficult.

It is also my understanding that the increase in greenhouse gases will be significant from these developing countries. I do not think it wise to allow these countries unlimited, indefinite emissions or even a delay as provided by the Montreal Protocol.

The Resolutions should recognize our budgetary problems and call for fair, reasonable and flexible agreements that apply to

all countries, not just the developed countries. I note that even now some significant countries, like India, are not parties to the Montreal Protocol or the London amendments. It is even more important that such countries are signatures to a climate agreement. Indeed, there is a question whether the U.S. should ever sign until China, India, and many more countries are Parties.

The Resolutions also appear to give broad support to a document being considered at the UNCED meetings, called "Agenda 21." Enclosed for your information is my letter of September 16, 1991 to the Secretary of State and the Department's November 25, 1991 reply concerning the actions of the UNCED Preparatory Committee (which is scheduled to meet a fourth and final time for 4 to 5 weeks in March) and the documents under consideration. The Department explains that the last PrepCom "focused primarily on the proposed text for Agenda 21." As to that document, the Department states:

Delegates agreed on a format that will include objectives, activities, and means of implementation. The degree of progress on text that will comprise Agenda 21 varied among the topics.

At the urging of the UNCED Secretariat, the Preparatory Committee is working to complete drafts of two main products before the close of PrepCom 4. The first product will be a set of general principles. Its title, however, has not been decided; two alternatives are under consideration, "Earth Charter" and "Rio Declaration on Environment and Development." The general principles could appear as a separate declaration or be integrated into Agenda 21.

The second product will be a detailed agenda for cooperative international action on the environmental and development lasting into the twenty-first century—Agenda 21. It will cover the gamut of environmental issues: atmosphere, land resources, desertification, forests, biodiversity, biotechnology, oceans, freshwater, toxic chemicals, and wastes; cross-sectoral issues would also be included: financial resources, technology cooperation, and institutional improvement are most often mentioned, along with poverty, human settlements, and economic policy as it intertwines with environmental policy.

A statement of principles and Agenda 21, as the name implies, could provide a comprehensive blueprint to shape thinking at national and international levels and lead to subsequent agreements, institutional improvements, programs, and other forms of action and cooperative effort subsequent agreements, institutional improvements, programs, and other forms of action and cooperative effort that would implement and give body to the results of UNCED. Neither a statement of principles nor a text of Agenda 21 will be concluded as a legally binding instrument. Nevertheless, some Latin American countries have argued that UNCED should conclude legally binding principles. Other governments have expressed the desire to see UNCED principles evolve into customary international law.

At this stage, it is impossible to predict in any detail what commitments might be expressed or implied in a statement of principles or Agenda 21, other than that they will refer to the environmental, developmental, and cross-cutting issues under consideration. In general, obligations with binding force



would have to await negotiation of new agreements, adherence of additional countries to existing agreements, institutional improvements, and other steps subsequent to UNCED.

I bring these matters to your attention because I believe they are important to the development and consideration of such Resolutions. I and my staff want to continue to work with you and your staff in these matters. If your staff has questions, they should talk to Mr. David B. Finnegan at 225-3147.

With best wishes.

Sincerely,

JOHN D. DINGELL,  
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,  
Washington, DC, March 17, 1992.

Hon. JOHN D. DINGELL,  
Chairman, Committee on Energy and Commerce,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter expressing your general concerns about the United Nations Conference on Environment and Development (UNCED) and your more specific concerns with several resolutions which express Congressional views on a number of global environmental issues.

Since your letter was received our respective staffs have talked and understand your concerns and the concerns that have also been expressed by several groups representing U.S. industry. I think that we have made a good faith effort to reach compromise language that all could agree upon. Even to the point of delaying our markup by over a week so that all sides could be heard. H. Con. Res. 292, which will go to the floor today under suspension of the rules, is the result of these efforts.

I want you to know that I certainly understand your concerns and appreciate your positions on these issues. Also, as the Chairman of the House delegates to the UNCED I will endeavor to keep those concerns in mind as we prepare for the UNCED.

With kindest regards I am,

Sincerely yours,

DANTE B. FASCELL,  
Chairman.

Mr. Speaker, I urge the adoption of House Concurrent Resolution 292.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this resolution, which expresses the sense of the House with respect to the upcoming U.N. Conference on Environment and Development. I am also proud to be a cosponsor.

First, however, I wish to commend the chief sponsor of the resolution, Chairman DANTE FASCELL of the Foreign Affairs Committee. Chairman FASCELL has demonstrated a keen interest in the environment and has always strongly supported international activities in this area.

I might also mention that Chairman FASCELL is the leader of the official group of observers designated by the leadership of the House for the upcoming conference. I am pleased to be able to join him as a member of this group.

Recognition is also due to the subcommittee chairmen and ranking Republican members who acted upon earlier versions of today's resolution. This includes Chairman YATRON and Con-

gressman BEREUTER of the Human Rights and International Organizations Subcommittee and Chairman TORRICELLI and Congressman LAGOMARSINO of the Western Hemisphere Subcommittee.

The U.N. Conference on Environment and Development is being referred to as the Earth Summit. This is because it represents an important opportunity to begin a new international dialog on protection of the global environment.

This year marks the 20th anniversary of the U.N. Conference on the Human Environment. The Stockholm conference was a watershed event in promoting international understanding of the importance of protecting the environment.

In recent years, however, truly global environmental issues have been identified. Developments like the discovery of the ozone hole make us realize that human activities can actually affect the environment of the entire planet.

The upcoming conference will enable the nations of the world to address environmental issues in a comprehensive manner. Aside from the overall degradation of the environment, especially in the developing countries, this includes the new global issues. These key issues include the loss of the Earth's precious biological diversity, or biodiversity, and the possibility of global climate change.

While the Earth Summit will undoubtedly be a great event, it would be a mistake to raise our expectations too high. In my view, the conference will be a success if the participants are able to agree on basic principles as well as some significant new programs to implement them.

It is not necessary for the participants at the Earth Summit to work out a detailed action plan during the actual conference in Rio. More important is that the conference and its related negotiations serve as a catalyst for further progress.

The resolution before us expresses the sense of the House in support of the negotiations leading to the Earth Summit. The State Department supports these provisions, which are in line with administration policy toward the conference.

While expectations are high, I am confident that the administration will do what is necessary to make the Earth Summit a success. Thus, people everywhere are hoping that the upcoming conference will be the end of the beginning—and not the beginning of the end—for the world environment.

Mr. LAGOMARSINO. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I am happy to yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman for yielding to me.

I just want to also commend the chairman of the subcommittee, the

gentleman from Florida [Mr. FASCELL] for introducing this legislation, and the gentleman from Michigan [Mr. BROOMFIELD] and others for bringing it forward.

I think what the gentleman from Michigan [Mr. BROOMFIELD] said is very, very important, that expectations are very high. No one knows exactly what will come out of the conference, but certainly what will come out of the conference is better than what goes into the conference. I think we are making progress by having the conference in the first place.

It also seems to me that it is very, very important that nations and groups not overpromise or promise things that they know that they will not be able to deliver.

□ 1310

Mr. Speaker, I think if we look at this realistically and proceed cautiously but energetically, a lot of good can be achieved with the conference.

Mr. FASCELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Speaker, I rise merely to add my voice of approval and satisfaction and praise to the distinguished chairman of the Committee on Foreign Affairs who has been a Member here longer than I have, but in whose debt I want to announce we in our district are. When he was chairman of the subcommittee when I first came aboard he befriended and made it possible for my hometown of San Antonio to be the site of the first world's fair south of St. Louis, MO, in 1968, and it shows his commitment to this question we call foreign relations and matters.

I think that this resolution here is so important that I think those of us that are aware of these things ought to rise and express our support and our admiration for the chairman as well as the ranking minority member, the gentleman from Michigan [Mr. BROOMFIELD].

I also want to add that the chairman, the gentleman from Florida [Mr. FASCELL], has distinguished himself in many more ways than the record, I think, will reflect through the years, but most importantly, as a man who will be representing the United States at this all-important conference on the environment.

I think at this point I wish him Godspeed and total success.

Mr. FASCELL. Mr. Speaker, I thank the gentleman from Texas. That is a large burden.

Mr. TORRICELLI. Mr. Speaker, I would like to commend the chairman of the committee for bringing this resolution to the floor so quickly.

House Concurrent Resolution 292, based on a resolution I introduced in January, represents a true consensus. It includes provisions from a resolution introduced by my colleague from Pennsylvania, Mr. YATRON, and

incorporates the ideas and concerns of other Members, numerous environmental and development groups, and the administration.

The resolution puts the Congress on record with respect to U.S. priorities for the U.N. Conference on Environment and Development to be held in Rio de Janeiro in June. It also calls for active U.S. participation, including President Bush's attendance in Rio.

I was disappointed to learn at a hearing last month that although every other G-7 leader has agreed to attend the Rio conference, President Bush has been advised to delay his decision on whether to attend until after the final preparatory meeting currently underway in New York. I assume this is because his advisors realize that the United States may not have anything to offer in Rio.

The UNCED is the most important conference on the environment since the Stockholm conference almost 20 years ago. The success of the UNCED is contingent upon active U.S. participation and is crucial to the protection of our world's shared environment.

The Earth summit has received little high-level attention from the U.S. Government and media. It is viewed as a conference in a far-away country in which the United States is going to be asked to finance environment and development programs abroad, and be pressured into making commitments and economic sacrifices to control the emission of greenhouse gases.

However, this view is dangerously flawed. The Earth summit represents an important opportunity for the United States to address one of the most serious issues affecting the health of American people and our national security.

The Earth summit will be the first opportunity in 20 years for the international community to reevaluate and address the environmental problems of our planet. And it is not too soon. Not only is ozone depletion growing rapidly, but half of the world's tropical forests have disappeared and continue to disappear at a rate of 20 million hectares per year. The world's population is expected to grow by 95 to 100 million people per year over the next decade. And land-based pollution continues to endanger oceans and marine life.

Unfortunately, the Congress has been rather quiet on the Earth summit as well. For that reason, I introduced House Concurrent Resolution 263, the original version of the resolution we are considering today.

The resolution before us today expresses the sense of Congress on several important issues. In addition to encouraging President Bush to attend and participate actively in Earth summit, it states that the United States should: Negotiate international agreements that effectively reduce the threats of climate change and biological diversity loss; propose or support a financing initiative for the global environment that takes into account the additional costs of environmental protection and the basic development goals of developing countries, and increases the accountability of the funds provided for environmental purposes; support programs aimed at encouraging a global transition to environmentally sustainable energy systems; support new programs to help developing countries become more energy efficient; support global goals of slowing deforestation, increasing worldwide forest

cover, and preserving mature forests; support the development of new agreements to eliminate land-based sources of marine pollution; and promote public participation in environmental and development decisions at all levels.

The health of our planet is in the balance at the U.N. Conference in June. The Congress must take an active role in setting the Conference's agenda and ensuring that the interests of the American people are represented at the highest level. This resolution sets forth the Congress' priorities and I urge my colleagues to support it.

Mr. RITTER. Mr. Speaker, House Concurrent Resolution 292 expresses the view that the United States ought to place a high priority on the U.N. Conference on Environment and Development [UNCED] to take place this summer in Brazil. The UNCED Conference offers an important opportunity for international cooperation on protecting the global environment.

The bill before us calls for negotiation of an international agreement to effectively reduce the threat of global climate change. I rise today to point out that any such agreement must take into account the serious scientific uncertainties in global climate change.

We don't know much at the moment—and we certainly don't know enough to commit the United States to a program of reducing greenhouse gas emissions by a specific amount.

Some say there is a consensus that warming is occurring, that it is going to continue, and that it is going to be severe. Yet there is an already large and growing body of scientific literature, produced by some of the best minds at our premier universities and Government research institutions, that holds that it is not settled yet that global warming from human-generated greenhouse gas emissions is going to be substantial.

This is critical to the debate.

Prof. Patrick Michaels of the University of Virginia wrote recently that,

There are now several compelling lines of evidence that indicate the chance of an ecologically or economically disastrous global warming is becoming more remote.

Scientists such as Dr. Richard Lindzen of MIT point to the following shortcomings of predictions of severe global warming:

Inadequacies in current climate models, that make it difficult, if not impossible, to predict future global conditions with any accuracy;

Our inability to fully understand the role of the clouds and oceans, which play a major role in global climate change; and

The inconsistency of predicting warming from temperature observations over the past 100 years.

In the face of massive scientific uncertainty, our national report to UNCED supports continued research to reduce the uncertainties, and actions to reduce potential global climate change that are justified for other economic, energy conservation, or environmental reasons. The United States has also committed \$25 million for studies in developing countries on greenhouse gas emissions.

I support the prudent actions to which the administration has already committed, and I call upon our representatives to UNCED to do the same. Any more at this stage would be premature.

Before we rush to join certain other nations in adopting a treaty stabilizing—or even limiting—greenhouse gas emissions, the science must be in place. Right now, its very far off.

Mr. HOAGLAND. Mr. Speaker, the bill before us today, House Concurrent Resolution 292, calls on the United States to make a strong commitment to the U.N. Conference on Environment and Development, the Earth summit, scheduled for June 1992, when more than 100 world leaders will address many of the threats to the world's natural resources.

While some may characterize this as just a little bill, I must stress that this is an important bill because with congressional passage, it is the American people's way of expressing to the world the importance we place on working together to preserve the planet. It recognizes our increasing interdependence as a world people. The actions of one country can harm the environment of another. It only took the accident at Chernobyl and a spill into the Rhine River to show that pollution, for example, does not respect boundaries.

The June Conference comes at a time when the world is at a crossroads. The pressures of consumption—a growing world population increasingly using the planet's resources—is eroding the carrying capacity of our planet's soils, forests, waters, and atmosphere. In "Our Common Future," the 1987 report of the World Commission on Environment and Development, it was expressed this way:

The planet is passing through a period of dramatic growth and fundamental change. Our human world of 5 billion must make room in a finite environment for another human world. The population could stabilize at between 8 billion and 24 billion sometime next century, according to U.N. projections \* \* \*. Economic activity has multiplied to create a \$31 trillion world economy, and this could grow five- or tenfold in the coming half century.

Authors of the World Resources Institute's 1992 "Environmental Almanac" write:

The key issue facing the Earth Summit is growing concern that current trends are not sustainable: That the present pattern of human activity, if continued, will lead to a major decline in the condition of nature and the quality of human life.

In short, the world is out of sync. Environmental degradation is threatening our resources, possibly beyond repair. Here are a few examples:

The protective ozone shield is thinning twice as fast as scientists thought just a few years ago.

The concentration of carbon dioxide in the atmosphere has risen 25 percent since preindustrial times and present emissions trends could lead to a steady buildup of gases, resulting in significant global warming over the next century. More than half of greenhouse gases come from humans using energy. The seven warmest years on record have occurred since 1980. Global warming could cause unprecedented changes. According to an EPA report, global warming in the Great Plains could reduce wheat and corn yields. It could increase irrigation demands by 5 to 30 percent. Because farmers may have to use more pesticides, water quality could be threatened by more soil erosion and surface runoff.



The world's forests are disappearing at a rate of 17 million hectares per year. In the United States, especially in the East and Midwest, hardwood forests have been greatly reduced.

Over one-half of the Nation's original 221 million acres of wetlands have been lost; 95 percent of that loss is due to man's activities.

World population is growing by 92 million people annually, roughly equal to the country of Mexico.

The vast diversity of the world's biotic wealth is being eroded and destroyed rapidly. Again, according to WRI:

Patterns of economic activity in the rich and poor countries are eroding the productivity and richness of natural resources and ecological systems. This trend, the increasing biological impoverishment of the planet, is causing some irreversible ecological changes, including the loss of part of the genetic heritage of the Earth built up by evolution over several billion years.

The United States is the largest consumer of resources and also the largest polluter, per capita, in the world: We are also the country with the most know-how and scientific resources. We should be taking the lead at the Earth summit to restore our international environmental problems.

I call on my fellow Members to vote "yes" today for this important resolution.

Mr. HOYER. Mr. Speaker, today I rise to support House Concurrent Resolution 292. Earlier in the year, I joined my colleague Mr. PORTER in introducing House Joint Resolution 394 which urges the President of the United States to lead our country's delegation to the U.S. Conference on Environment and Development [UNCED].

While the Foreign Affairs Committee has reported House Concurrent Resolution 292 instead, I was very happy to see that this resolution would request the President's attendance. Clearly, the President's attendance at the meeting in Rio de Janeiro, Brazil, is of utmost importance, and will demonstrate that the United States places the highest priority on UNCED's success. This is not only a symbolic gesture, but will likely lead to the participation of many more heads of state.

Many of my colleagues already know that UNCED offers the nations of the world the best opportunity they have to stop global environmental degradation. From holes in the ozone layer, to the pollution of the world's oceans, to the loss of tropical forests, it is clear that actions taken by only one country will not be sufficient to save the Earth's environment. The nations of the world must engage each other in cooperative efforts to save the environment. If the rain forests in South America disappear, Americans, Europeans, and everyone else will feel their loss, through probable changes in climatology and the loss of a significant source of today's pharmaceuticals. In this country alone, it is estimated that tropical plants contribute the basic elements for 25 percent of our prescription drugs.

House Concurrent Resolution 292 is a timely resolution which places a strong priority on the most controversial question facing the UNCED negotiators: How to finance global environmental projects. In addition to highlighting our country's support for addressing deforestation and climate change, House Concurrent

Resolution 292 hopefully will put politics aside long enough for our country to do something for the health of future generations of Americans.

Mr. FASCELL. Mr. Speaker, I yield back the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 292).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### CONGRATULATING GOVERNMENT AND PEOPLE OF VENEZUELA FOR THEIR COMMITMENT TO DEMOCRACY

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 293) congratulating the Government and people of Venezuela on their demonstrated commitment to a broad-based and enduring democracy, and commending the agreement between the Accion Democratica and COPEI parties to form a cabinet of national unity, as amended.

The Clerk read as follows:

#### H. CON. RES. 293

Whereas Venezuela has been a leader in the development of democracy throughout the hemisphere, and for nearly 34 years has enjoyed the tradition of rules by popular consent;

Whereas the people of Venezuela overthrew a repressive authoritarian regime and restored democratic rule with elections in December 1958;

Whereas the democratic institutions of Venezuela have been reinforced by 6 successive transfers of power through free and open national elections since 1958;

Whereas in December 1988, Carlos Andres Perez became the first President of Venezuela to be elected to a second term;

Whereas an attempt to overthrow the legitimate and constitutional government of Venezuela was repelled on February 4, 1992;

Whereas the Venezuelan people have rejected facile and demagogic calls to solve serious economic and social problems through the installation of an authoritarian regime;

Whereas on March 5, 1992, the President of Venezuela announced the formation of a cabinet of national unity with the ruling Accion Democratica party and COPEI, the principal opposition political party;

Whereas the President of Venezuela also announced on March 5, 1992, that he will seek a referendum on the convocation of a national constituent assembly to strengthen the country's constitution and promote changes in the administration of justice; and

Whereas the resolve of the Venezuelan people to preserve their democratic institutions serves as an example to nations throughout the hemisphere that have recently elected democratic governments: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) congratulates the people of Venezuela on their demonstrated commitment to broad-based and enduring democracy;

(2) congratulates the Accion Democratica and COPEI parties on their agreement to form a cabinet of national unity;

(3) congratulates President Carlos Andres Perez on his swift and decisive actions to address the need for constitutional and judicial reform;

(4) reaffirms the commitment of the United States to pursue close relations only with representative, freely elected democratic governments throughout the hemisphere; and

(5) pledges to Venezuela and its people the support of the United States at this time of great challenge to democratic institutions and the rule of law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution expresses our support for what has happened in Venezuela just recently; that is, the formation of a cabinet of national unity bringing the ruling Accion Democratica and COPEI, the principal opposition party, into a coalition arrangement that strengthens the institutions of democracy.

Just a quick bit of history: let us remind ourselves that for over 160 years Venezuela was a military dictatorship. Then an arrangement was arrived at by the people which made it possible to hold elections and to have an elected government with the various parties taking turns at running the government. That worked fine, but, like every other government in the world, they had problems economically and socially.

For whatever reason, on February 4 a small group of renegade military officers attempted to stage a coup as a response to grievances over social and economic conditions currently plaguing Venezuela. It might have been very easy at the point for Venezuela to have slipped back to what existed before, as sometimes happens, and it would have been a very severe blow, in my judgment, to the efforts and the momentum of the democratic process that has taken hold throughout Central America and South America. This was a very important milestone: to have the two principal parties come together to form a coalition government to deal with the serious grievances that exist and to demonstrate that they wanted to respond to the people of Venezuela in a manner which would be better in their judgment than resorting to a military dictatorship.

This was a significant event in the course of history, as well as in the rela-

tionship between the United States and Venezuela and in the relationships between Venezuela and the other countries of Central and Latin America. It is only fitting for us in the Congress of the United States to take due note of the fact that it took great political skill and considerable courage to put this coalition together in order to stabilize the situation in Venezuela, not just for the people of Venezuela, but for the people of the hemisphere.

I would also note that this resolution commends President Carlos Andres Perez on his swift and decisive actions to address his country's need for constitutional and judicial reform. On March 5, he announced that he will seek a referendum of the convocation of a national constituent assembly this spring.

While we approve of the serious actions taken by the Venezuelan Government, we also want to urge them to quickly restore the full constitutional guarantees, including freedom of the press, that were suspended following the failed coup attempt.

Mr. Speaker, I urge my colleagues to unanimously agree to this resolution which is a pledge of support by the United States to the people of Venezuela at this time of great challenge to its democratic institutions and the rule of law.

Mr. Speaker, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support House Concurrent Resolution 293, a resolution congratulating the Government and people of Venezuela for their commitment to democracy.

I commend my chairman for bringing this issue to the floor. It was a shock to hear of the attempted coup by elements of the Venezuelan military last month. While we know the great democratic gains of the last decade are fragile, most of us would have expected a coup attempt in many places before Venezuela.

Venezuela has had six successful transfers of power since 1958—one of the longest streaks in our hemisphere. The attempted overthrow of democracy in Venezuela shows that we cannot become complacent in the post-cold-war era.

Threats to democracy which affect our interests still exist and continue to demand our attention. If it were not for key elements of the military remaining loyal, a military government would be in place today in one of the most important countries in our hemisphere.

Since the coup attempt, President Perez and his party have reacted forcefully to address key issues. Most notably, they reached agreement on a national unity government and have taken steps to address some of the is-

suces which trouble Venezuelans. Venezuela's democratic future will depend on the success of these measures. Venezuelans need to know that the United States stands with them in their efforts to strengthen democracy.

House Concurrent Resolution 293 is an important expression of our confidence in Venezuelan democrats and I urge my colleagues to support its adoption.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I rise in strong support of House Concurrent Resolution 293, which commends the Government and people of Venezuela for their commitment to democracy.

For over 30 years, Venezuela has been one of the most stable democracies in Latin America, transferring power peacefully to six new administrations. Although the February coup attempt was the largest in Venezuela's democratic history, its defeat illustrates the commitment that the leaders and the people of Venezuela have to continue its democratic system.

In offering our praise to the people of Venezuela for their continued support of democracy, I believe it is also essential to commend those elements of the Venezuelan military that refused to collaborate in the coup attempt. As the largest military attempt to overthrow the Government, it seems likely it could well have succeeded had other military units in Venezuela joined the cause. It is a credit to those units and commanders who resisted the call to help carry out the coup attempt.

As we discuss those in the military who supported democratic government, I think it is fair to say that the diplomatic-military relationship the United States has maintained with Venezuela over the years has been a positive influence, and I am sure it was a factor in reinforcing the commitment to democracy demonstrated by the majority in the Venezuelan military.

Part of that relationship has included the transfer of retired U.S. military equipment. Of particular interest to my constituents in Santa Barbara, CA, is the recent transfer of a U.S. Coast Guard cutter, the *Point Judith*. Many in Santa Barbara will remember that the *Point Judith* operated in the waters off our coast for a number of years performing valiant, service in safety, rescue, and antinarcotic activities. Its new home is in the Venezuelan Navy's Coast Guard; the transfer occurred on January 15 of this year, a scant 3 weeks before the coup attempt. It is probably stretching the point to say the *Point Judith* had a role in reinforcing the Venezuelan Navy's resistance to participating in the coup attempt, but I have no doubt that the long-term United States military relationship has been instrumental as a force for democracy.

Since the coup attempt, President Perez has shown his own continued commitment to democracy. Two weeks ago, President Perez announced that a special assembly has been formed to redraft the Constitution to meet the calls of the Venezuelan people for political change.

Economically, President Perez has answered the protests of his opposition by instituting an economic relief program. And while this program will quickly alleviate several problems in Venezuela, President Perez is committed to continue his needed free-market reforms.

The ruling party, Accion Democratica, has also agreed to something very few democratic parties would do: Forming a national unity cabinet with members of the opposition. This cabinet is yet another illustration of the commitment that the people and leaders of Venezuela have to solve democratically the problems of the country.

Mr. Speaker, the continuing democratic tradition in Venezuela should be an inspiration to the fledgling democracies throughout Eastern Europe, Asia, and Africa. Please join me in congratulating the people of Venezuela for their long-lasting commitment to democracy.

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Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I rise simply to extend congratulations to the gentleman from California [Mr. LAGOMARSINO] who really is an unsung hero in this battle.

We are all enthused about the package which has come forward, put together between COPEI and Accion Democratica, and we hope that the road to democracy in Venezuela will continue; but frankly, the gentleman from California [Mr. LAGOMARSINO] is one who is not often recognized. He served throughout the decade of the 1980's as the ranking member of the subcommittee which deals with the Western Hemisphere. As such, I was hoping to stand up during the time that the resolution on El Salvador was debated, and unfortunately I was not here, but as we look at the entire hemisphere, the gentleman from California [Mr. LAGOMARSINO] has done a spectacular job. He has worked diligently. I have traveled many times with him to Latin America trying to encourage the democratic process. The gentleman served as Ronald Reagan's Congressman for years, and I think that the two of them clearly demonstrate the fact that we do have a tremendous opportunity to see self-determination work in this hemisphere, and I thank my friend for yielding me this time.

Mr. RANGEL. Mr. Speaker, I rise in support of House Concurrent Resolution 293, congratulating the Government and people of



Venezuela for their commitment to democracy. I would like to commend my distinguished colleague from Florida, the chairman of our Foreign Affairs Committee, Mr. FASCELL, for introducing this important resolution.

In January, I led a delegation of the Select Committee on Narcotics Abuse and Control to Venezuela to discuss the increasing drug production and trafficking problems in that nation. We met with President Perez and many fine members of his cabinet who demonstrated a great understanding of the threat posed by drug trafficking to their own national security.

Little did we know at the time that a coup was brewing among some of the lower level military ranks. We were shocked and saddened by this affront to a legitimate, freely elected government within one of the hemisphere's most stable democracies.

Mr. Speaker, many of my colleagues have already addressed the extremely important issues of freedom, democracy, and congressional support for brave efforts of President Perez, the Accion Democratica and COPEI parties, the new cabinet of national unit, and the people of Venezuela. I associate myself with their remarks, and would like to turn back to the issue of narcotics.

Until recently, many in Venezuela felt that they were immune to the narcotics scourge plaguing much of this hemisphere. However, with the crackdown against drug trafficking in Colombia, both production and trafficking have been shifting across the border into Venezuela. The Government leaders and the people fear what they call Colombianization of the country. They have seen and heard many accounts of the violence that accompanies this lucrative criminal enterprise, and want to avoid allowing the situation in Venezuela to reach that level before addressing it.

They also expressed concern about a growing drug abuse problem within their own borders. This is a phenomenon we have seen time after time: When drugs are readily available, as in transit countries where they spill over into the local population, a market is created. Along with the tragedies of drug use come the horrors of drug-related crime and violence.

The Perez government has signed a number of important counternarcotics agreements with the United States, many of which are firsts, and set important precedents for Latin America. These include a reciprocal shipboarding agreement that allows authorities of either country to board flag vessels of the other if they are suspected of carrying drugs; and the first Kerry amendment money-laundering agreement. In addition, the Perez administration is negotiating a number of other important narcotics control agreements which will cover asset sharing, radar for air interdiction, and chemical controls.

President Perez shared with us his personal commitment to international cooperation in the fight against drug trafficking and abuse. He fully recognized that this is a crisis which only can be met if the international community comes together and works collectively. He looked forward to participating in the San Antonio summit with six other heads of state from the hemisphere.

As you know, Mr. Speaker, President Perez was not able to personally attend the summit

because of the coup attempt, but his government did participate.

I join the chairman of the Foreign Affairs Committee in strong support for freedom and democracy in Venezuela, and for President Perez and the new cabinet of national unity. May their efforts for constitutional and judicial reform, and our collective efforts to control the international narcotics traffic be successful.

I urge my colleagues to join me in support of House Concurrent Resolution 293.

Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of my time.

Mr. FASCELL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 293), as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution congratulating the Government and people of Venezuela on their demonstrated commitment to a broad-based and enduring democracy, and commending the formation of a cabinet of national unity."

A motion to reconsider was laid on the table.

#### THE LION AND THE LIONESS

(Ms. PELOSI asked and was given permission to address the House for 1 minute, to revise and extend her remarks, and to include extraneous material.)

Ms. PELOSI. Mr. Speaker, it is a great pleasure for me to rise on this St. Patrick's Day to call to the attention of my colleagues a wonderful couple in San Francisco, Vincent and Vivian Hallinan. He is the perfect St. Patrick's Day hero, a romantic Irish iconoclast, who in another era would have been immortalized in epic poetry. He called her the most beautiful woman in San Francisco, and for 60 years she indeed has been considered in every way beautiful.

She was arrested with her sons while they were attending UC-Berkeley in the sixties, was tear-gassed, and was tear-gassed in Chile demonstrating for the release of political prisoners.

He successfully defended union leader Harry Bridges against the United States Government's attempt to send Harry Bridges back to Australia.

She has a wall of plaques extolling her efforts on behalf of the people of Nicaragua and El Salvador for peace in that area.

He at 95, she at 81, married for nearly 60 years, the parents of 5 sons, will be feted by the Irish-American community at a St. Patrick's Day celebration.

Vincent and Vivian Hallinan have always fought for what they believed was right.

Mr. Speaker, I would like to submit for the RECORD an expanded article from the San Francisco Examiner about their accomplishments, and call this to the attention of my colleagues on this St. Patrick's Day.

THE LION AND THE LIONESS

(By Joan Smith)

He's the perfect St. Patrick's Day hero, a romantic Irish iconoclast who in another era would have been immortalized in epic poetry.

Legendary San Francisco trial lawyer Vincent Hallinan—whose father fled Ireland after assassinating a British agent; who during World War I sent money for guns to the IRA; whose six fiercely loyal sons were all named for Irish patriots; whose second son (Terence "Kayo" Hallinan) is now a San Francisco supervisor mixing it up with conservative Irish Mayor Frank Jordan over Kayo's support for contemporary Gaelic martyrs—has lived it all. Historic victories in the courtroom and on the streets, persecution and imprisonment, a quixotic run for the presidency and, of course, true romance.

"She was the most beautiful woman in San Francisco," says Hallinan of the former Vivian Moore, whose nearly 60-year marriage to "the lion of the San Francisco courts" was once described by the late FBI Director J. Edgar Hoover as "a case of one warped personality marrying another."

Vivian Hallinan, who at 81 looks 20 years younger, says she has always been "the political one." It was Vivian, radicalized by the famous 1950 deportation trial of the late labor leader Harry Bridges (Vince successfully defended Bridges against the U.S. government's attempt to send him back to Australia as an alleged Communist), who talked her husband into running for president on the Progressive Party ticket in 1952.

It was Vivian who was arrested with her sons while they were attending UC-Berkeley in the 1960s. She was teargassed in Chile in 1966, protesting the torture of political prisoners. She's a member of San Francisco's Human Rights Commission (though as an Art Agnos appointee, she suspects she will be tossed out by Jordan). And one full wall of the Hallinans' Chestnut Street condominium is covered with plaques extolling her efforts on behalf of the people of El Salvador and Nicaragua.

(It was also Vivian, conversely, who made the family fortune, buying empty apartment buildings during the Depression and somehow rendering them both affordable and attractive enough to fill with tenants.)

At 95, her husband refuses to admit he might finally be slowing down. Scheduled to be feted by the Irish community March 26 at an Irish Forum St. Patrick's Day celebration, Vince still practices law and says he hopes to win his next big case when he's 100. "He's strong as a horse," Vivian says.

A former boxer who hired an Italian boxing champion to coach his sons in the ring he built for them at the family estate in Ross, Vince fought off three young muggers the year he was 77, and characteristically called a press conference to announce his victory. "This is the sort of thing that lets people know you aren't an easy target," he says proudly, pulling out newspaper clippings describing the event.

Vivian, the pacifist, says she thinks "boxing is a terrible sport. I believe people should know how to defend themselves, but beyond

that it goes too far." But Vince says "women don't realize the tough time boys have in school, always someone lining you up wondering if he could beat you in a fight."

Vince Hallinan, who read everything from Dr. Spock to Rousseau to prepare himself for child-rearing, swung the babies around by their limbs to strengthen them, taught them to swim as infants, long before that practice was considered safe, and gave them nicknames he thought would convince them of their own toughness—Flash, Dynamite, Tuffy, Kayo, Dangerous and Butch. The Hallinans twice made "Ripley's Believe It Or Not!"—first in 1928, when Vince played every minute of 28 successive football games and later, when four of his sons won the UC boxing title.

Hallinan had perhaps more reason than most parents to believe his boys might need to defend themselves. Melvin Belli once described him as "an exquisite trial lawyer" whose "final arguments, like his opening statements, were works of art and young lawyers used to crowd into the San Francisco courtrooms to hear him."

Hallinan successfully defended some of the most notorious criminals of his day, including a San Francisco public defender who hired two hit men to kill the woman who left him her fortune and a death row inmate who'd been framed by prosecutors. But his wife believes his most brilliant performance was in 1945 on behalf of a San Francisco socialite who admitted fatally shooting and pistol whipping a nurse she believed was having an affair with her husband. Irene Mansfeldt served less than two years for manslaughter after Hallinan, famous for his memory and intensive trial preparation, convinced the jury of her insanity, humiliating an "expert" psychiatric witness by grilling him on the names of obscure parts of the brain the physician couldn't remember.

But Hallinan's penchant for unpopular causes, his stands against the Cold War and U.S. involvement in Korea, and his affiliations with Communists and black activists made the family something of a target in wealthy Marin County.

Neighbors were always slapping red paint on the fence around their estate, adorning it with hammers and sickles. Patrick, now one of San Francisco's most respected criminal lawyers, was dragged out of his car at a local hamburger stand when he was only 16 and badly beaten by a group of Marines just back from Korea who called him a Communist. The same Marines later broke into the house when Vivian was alone and tried to rape her. She talked them out of it by showing them a scar from her recent surgery for uterine cancer and persuading them that cancer was contagious.

Which sounds a lot like the self-possessed young woman who, at 20, once evaded a police officer who had forced his way into her apartment looking for Vince Hallinan by climbing out the bathroom window and over a few fences to meet the fugitive in his car two miles away. Vince, already a famously flamboyant trial lawyer of 35, was later arrested, just as the couple was leaving for their honeymoon, to serve his first sentence for contempt of court.

As Vivian wrote later in her memoir, "My Wild Irish Rogues," she couldn't help wondering if "maybe I had bargained for more than I could handle."

"We haven't thought about some of these things in a while," she said last week, poring over the detailed family scrapbooks. "But it was never dull, was it? We always had a lot of fun."

## THE 225TH ANNIVERSARY OF THE BIRTH OF ANDREW JACKSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. CLEMENT] is recognized for 60 minutes.

Mr. CLEMENT. Mr. Speaker, it is a great honor to be here on the floor of this House to celebrate the 225th anniversary of the birth of Andrew Jackson. As you know, I have the privilege of being the 38th individual to represent the Tennessee congressional district first represented by Jackson.

Yesterday I participated in a wreath-laying ceremony at Jackson's tomb at his home, the Hermitage. President Bush was represented by Maj. Gen. Jerry Wyatt, the adjutant general of the State of Tennessee. He was accompanied by Mrs. Keith Cutchins DeMoss, the regent of the Ladies Hermitage Association. I would like to commend them for a very moving ceremony. As you know, Mr. Speaker, the Ladies Hermitage Association is dedicated to restoring and preserving Jackson's beautiful home and bringing to the American people a greater understanding of Andrew Jackson, his life, and the times in which he lived. They have done an outstanding job and I invite my colleagues to visit the Hermitage and see this magnificent house and its contents for themselves.

Mr. Speaker, on one of the exterior walls of the National Archives here in Washington is the phrase "Past is prologue." Few things are as true as this statement and we have the legacy of Andrew Jackson to prove it.

For the Age of Reform identified with Jackson's Presidency has many parallels with today's call for reform in our governing institutions. The political period preceding Jackson's election to the Presidency in 1828, was, like today in many respects, dominated by a narrow range of special interests. Participation in the political process was limited to a few and often concentrated in the internal workings of the political parties and institutions of government.

In the 1820's, access was limited by rules and laws governing suffrage and eligibility for public office. But with the admission of new States into the Union which had universal male suffrage, the dropping of property requirements as a qualification for voting, and with the economic panic of 1819, popular activity in politics was heightened.

Leaders of this movement are said to have directed popular resentment of closed political corporations against the caucus system of nominations. They branded this system as a flagrant usurpation of the rights of the people. They helped spread the conviction that politics and administration must be taken from the hands of a social elite or a body of bureaucratic specialists and opened to mass participation.

Historian Richard Hofstadter suggests that this trend toward greater involvement by a wider class of citizens converged upon the prominent figure of Jackson between 1815 and 1824. As Hofstadter states, "For the first time many Americans thought of politics as having an intimate relation to their welfare. Against this background, Jackson's star rose."

But whether we take Hofstadter's perspective on history or the perspective of such dis-

tinguished Jackson historians as Robert Remini, those who have studied Andrew Jackson and his career have all concluded that Jackson personified a new America—one that was confident, heroic, self-made, and determined.

With this persona, as Remini describes in his biography, Jackson, as President guided the country as it evolved from republicanism to democracy. In instituting what he called a program of reform retrenchment and economy, President Jackson attempted to establish democratic government. He saturated the language of his messages to Congress and other State papers with democratic intent. "The people are sovereign," he repeated many times, "their will is absolute."

Jackson's philosophy of government preached the simple message that the people govern, and that majority rule constitutes the only true means of preserving a free society.

As I stated at the outset, Mr. Speaker, the past is prologue, and it was no more evident than in last week's fiasco on the floor of the House of Representatives. The effort to limit disclosure of the check-bouncers to 24 individuals was immediately seized by citizens everywhere as an effort to hide a more serious scandal from the public.

But I believed, as did Jackson, that the people govern. That the people exercise their rightful and good judgment when they have all of the information. People are fair and understanding, but only when they have full information and believe they have been treated with respect. As many telephone callers told me, "we're all adults, treat us like one."

And, in the end, the political institution did, even if, for some, it did so grudgingly.

In my own personal style of public service, I have always believed that the more information that is available to the public, the easier it is for them to make a decision and the easier it is for me, as their Representative, to implement it.

In many other policy areas, our institutions of government, our institutions of education and business, are captured by individuals of arrogance, self-importance, and personal greed. But all this is in the process of changing.

Americans everywhere are awakening to the challenges ahead and demanding change in their Government, their schools, their employers, their society and, even, in their own personal lives.

We are looking for leaders like Jackson—individuals who have his innate intelligence, his sense of fair play and justice, and his confidence that the will of the people will bring goodness to all.

On this 225th anniversary, we truly look backward to the future. We see many parallels between the early 19th century and the late 20th century. Then, as now, our social institutions and our institutions of government are undergoing transition. A transition not only fostered by new world challenges, but a transition fostered by the demands of the American public for responsive leadership.

As one of Jackson's successors, I have inherited this legacy. It is a legacy born of our rich soil and the blood of those before us who have fought for democracy and freedom. Many Tennesseans, including my father, in-



stilled it in me at an early age. It is a privilege to serve the Fifth District of Tennessee and I hope I do it in a fashion in which Andrew Jackson would be proud.

Thank you, again, Mr. Speaker, for permitting me to speak on this glorious anniversary of the birth of our seventh President—Andrew Jackson.

INTRODUCTION TO OLD HICKORY: A LIFE  
SKETCH OF ANDREW JACKSON  
(By Robert V. Remini)

In the opinion of some Americans, Andrew Jackson was the most popular man this Nation had ever produced prior to the Civil War. George Washington, Thomas Jefferson, Patrick Henry, Benjamin Franklin, James Madison—all remarkable and beloved figures—could not compare to Old Hickory in their affections.

More popular than the "Father of His Country?" Could that be possible? Indeed so, Philip Hone, a New York merchant, confided to his diary in June 1833. President Jackson, he wrote, "is certainly the most popular man we have ever known. Washington was not so much so. His acts were popular . . . but he was superior to the homage of the populace, too dignified, too grave for their liking, and men could not approach him with familiarity." Although Hone opposed Jackson politically and preferred Henry Clay, he was forced to admit that the seventh President of the United States was "a gourmand of adulation . . . [and] no man ever lived in the country to whom the country was so much indebted. Talk of him as the second Washington! It won't do now; Washington was only the first Jackson."

Even after Old Hickory died, some men tried to vote for him for President during the crisis of 1860, as though by their collective vote they could raise him from the grave to help the nation escape the horrors of approaching disunion and civil war.

He was also a genuine celebrity. People came from miles around to see him when they heard that he might pass through their district. As his steamboat plied the Ohio River, taking him back and forth from his home in Tennessee to the capital, masses of shouting, waving, applauding people gathered along the river bank to call to him, salute him, and wish him success.

For his devoted followers, Andrew Jackson was the nation's finest image of itself during the first half of the nineteenth century. The original self-made man, he personified everything good and heroic and successful in American life. Although orphaned at an early age and burdened by poverty and a limited education, he rose to become a distinguished planter, lawyer, judge, military commander, and statesman.

Most important of all, Jackson won the Battle of New Orleans against tremendous odds. That victory alone enshrined him forever in the hearts of his countrymen. Throughout the War of 1812, the United States had suffered one military defeat after another. Its coastline was blockaded, its capital burned, its reputation besmirched throughout Europe. Some Americans actually feared for the survival of their experiment in liberty and republicanism.

Then came New Orleans. A rag-tagged conglomeration of militiamen, regular army enlistees, sailors, pirates, Indians, and a "colored battalion" met a superior force of invading British soldiers in a swampy area along the Mississippi River, just a short distance south of New Orleans. The Americans lined up behind a ditch that ran from the river to a cypress swamp, while the British

army, in full regalia, with flags flying and martial music blaring, attacked. Wave after wave of redcoats assaulted the ditch. And wave after wave of British officers and men pitched to the ground, as the American sharpshooters picked them off one by one. As the "flashing and roaring hell" in front of them grew more intense, the invaders recoiled and then began a general retreat.

When the firing ceased and the Americans scaled the parapet protecting their ditch, the scene gave Jackson the "grand and awful" sense of what the resurrection might be like. "After the smoke of the battle had cleared off somewhat," he later wrote, "I saw in the distance more than five hundred Britons emerging from the heaps of their dead comrades, all over the plain, rising up, and still more distinctly visible as the field became clearer, coming forward and surrendering as prisoners of war to soldiers." The casualties among the British soldiers totaled 2,037; among Americans only 13 were killed, 39 wounded, and 19 missing in action.

It was a fantastic victory, the greatest feat of American arms in history up to that time. The British soldiers who had defeated Napoleon and forced his abdication had been decisively whipped by American regulars and frontiersmen who were fighting for their freedom and the security of their homeland.

Was it any wonder that General Andrew Jackson became the most beloved, admired, and respected man in the United States? He had restored to the American people their pride and self-confidence. Through his incredible victory, they had proved to the world the legitimacy of their independence, and that they could defend it against the mightiest power on earth. Never again did they need to prove to themselves or anyone else that they had a right to be free and independent. Americans alerted a hostile European world of kings and emperors that if they trifled with the sovereignty of the United States, they did so at their peril. Andrew Jackson had proven for all time the strength, vigor, and power of American life and institutions.

To a large extent, the extraordinary dimension of Jackson's military victory, as well as his success in overcoming personal handicaps and deficiencies, and in rising from the lowest to the highest social strata in the nation, resulted from unique character flaws and strengths. He was a complex of driving ambition, rigid personal discipline, strong loyalties, and ferocious hatreds. As commander of American forces at New Orleans, he demonstrated steely determination, supreme self-confidence, and extraordinary military skill, despite a near-total lack of experience or training. Later, as President of the United States, he displayed exceptional powers of understanding in grappling with national issues; an unshakable belief in the right of the American people to self-government; and an abiding love of the Union. As President he guided the country as it evolved inexorably from republicanism to democracy.

Jackson's parents had migrated to America from Carrickfergus, northern Ireland, in 1765, along with many other Scotch-Irish. Andrew and Elizabeth Hutchinson Jackson probably landed in Philadelphia and then moved southward to join relatives living in the Waxhaw settlement, located along the northwestern boundary North and South Carolina. They had two sons, Hugh and Robert, and they settled on land adjacent to the Twelve Mile Creek, a branch of the Catawba River. Then, in 1767, the father suddenly died, and not many weeks later Elizabeth

gave birth to her third son on March 15, 1767, and named him after her late husband.

Elizabeth moved into the home of her sister, Jane Crawford, and her husband, where young Andrew and his brothers were raised. Since her sister was a semi-invalid, Elizabeth became housekeeper and nurse. Andrew received a meager education at an academy conducted by Dr. William Humphries and, a little later, at a school run by James Stephenson. He quit school with the outbreak of the American Revolution and accompanied Colonel William Richardson Davie, probably as a courier, during the attack on the British post of Hanging Rock. He was thirteen years of age at the time.

His older brother, Hugh, died after the Battle of Stono Ferry in 1780, probably from heat stroke, and shortly thereafter Andrew and his brother Robert were captured by the British and imprisoned at Camden. At the time of his capture, Andrew was ordered to clean British officer's boots, which he refused to do. Infuriated, the officer raised his sword and struck Andrew with it, leaving a deep gash on the boy's head and across several fingers.

At Camden, the brothers contracted smallpox. Their mother arranged their release in exchange for British prisoners, but Robert died before they arrived home. Andrew recovered, his face slightly marked with the scars of the disease. During his recovery, Elizabeth journeyed to Charleston to nurse American prisoners of war held in prison ships, and died from cholera a few months later.

An orphan at fourteen years of age, Andrew resided with relatives for a short time, drifted from one job to another, and finally moved to Salisbury, North Carolina, in 1784, to study law at the office of Spruce MacCay, a distinguished trial lawyer of the day. After obtaining a license to practice law in North Carolina, Jackson and several companions decided to migrate to the western end of the state, to what is now Tennessee. He built a successful practice in Nashville, married Rachel Donelson Robards, and participated in the convention that wrote the constitution by which Tennessee won admission as a state in the Union.

Over six feet tall and extremely slender, his face long and accentuated by a sharp and jutting jaw, Jackson always carried himself with military stiffness. His bristly dark hair stood nearly as erect as the man himself, and his bright, intensely blue eyes instantly signaled whatever passion surged within his cadaverous body.

As an extremely capable and hard-working lawyer with ties on his wife's side to one of the most important families in Tennessee, Jackson entered politics and rose quickly within the political hierarchy, thanks in large measure to the strong support of William Blount, the former territorial governor. Jackson served as the state's first representative to the United States House of Representatives, and later as United States senator. Resigning from the Senate after a single session, Jackson accepted appointment to the Tennessee Superior Court, where he served for six years. One biographer later described his decisions as a judge as "short, untechnical, unlearned, sometimes ungrammatical, and generally right."

Jackson supplemented his income from time to time by running a general store. He even sold boats to Aaron Burr without fully comprehending Burr's scheme to undertake a military operation down the Mississippi River, for which Burr was later tried and acquitted of treason.

When war broke out with Great Britain in 1812, Jackson had won election as major general of the Tennessee militia because of his popularity among the field officers of the militia and a considerable amount of politicking he accomplished beforehand. Despite a lack of military experience, he quickly developed into an excellent commanding general, and his men affectionately dubbed him "Old Hickory," because he was a tough, but caring, officer. He sometimes made impossible demands on his men, but he constantly showed them that he would work unceasingly for their safety and well-being.

The governor of Tennessee sent Jackson and his militia against the Creek Indians in 1813, after they had attacked American settlers along the southern frontier. Old Hickory decisively defeated the Indians at the Battle of Horseshoe Bend on March 27, 1814, wrested twenty-three million acres of land from the Creek Nation under the terms of the Treaty of Fort Jackson, and then hurried to New Orleans in time to repel a British invasion and inflict a devastating defeat upon the enemy. A few years later, he pursued the Seminole Indians into Florida and seized control of the area from Spanish authority. His actions triggered an international crisis, involving England as well as Spain, because of his execution of two British subjects, Alexander Arbuthnot and Robert Ambrister, for aiding and abetting Indian attacks against American settlers. The United States, nevertheless, succeeded in purchasing Florida from the Spanish and obtaining a western boundary for the Louisiana Territory that extended to the Pacific Ocean. By this single action, the United States was transformed into a potential transcontinental power.

In 1821 Jackson served as territorial governor of Florida for a short period in order to officiate at the transfer of ownership from Spain to the United States and establish civil government. Despite arbitrary actions and an impatience with Spanish temperament, Jackson provided an energetic and efficient government that facilitated the transition of a foreign land into the American political system.

As the most popular and beloved man in the nation, Jackson received a nomination from the Tennessee legislature to run for the presidency. The legislature also seated him in the United States Senate, where he again served a short term. Despite a popular and electoral plurality in the presidential election of 1824, he did not receive the constitutionally mandated majority of electoral votes. The choice of President was therefore decided in the House of Representatives in a contest between Jackson, Secretary of State John Quincy Adams, and Secretary of the Treasury William H. Crawford. The Speaker of the House, Henry Clay, regarded Jackson as a military chieftain who had very limited qualifications to serve as President, and he therefore threw his considerable support to Adams. The House election ended on the first ballot, with Adams chosen as President.

When Adams selected Clay as his secretary of state, Jackson exploded in indignation. He charged the two men with arranging a "corrupt bargain" in which Clay gave Adams sufficient votes in the House election to become President in return for appointment to the office of Secretary of State. Jackson resigned his Senate seat, returned to Tennessee, and began a campaign to win election to the presidency in 1828. With the help of Martin Van Buren and John C. Calhoun, he orchestrated the formation of an organization to support his election, which eventu-

ally became the Democratic party. With his popularity and the strength of his organization, and after a particularly vicious and sordid campaign—possibly the worst in American history for slander and misrepresentation—Jackson won a spectacular victory in 1828.

Jackson's tenure as President—1829 to 1837—extended over a period in which the United States underwent enormous political, economic, and cultural changes, changes by which the nation slowly began to emerge as an industrial democracy. In instituting what he called a program of "reform retrenchment and economy," President Jackson attempted to establish democratic government. He saturated the language of his messages to Congress and other state papers with democratic intent. "The people are sovereign," he repeated many times, "their will is absolute." His philosophy of government preached the simple message that the people govern, and that majority rule constitutes the only true means of preserving a free society.

A just government, declared Jackson in his celebrated veto of the bill to recharter the second National Bank of the United States, showers "its favors alike on the high and the low, the rich and the poor." He opposed government for and by an elite. "Every man is equally entitled to protection by law, but when the laws undertake . . . to make the rich richer and the potent more powerful, the humble members of society—the farmer, mechanic, and laborer— . . . have a right to complain of the injustice of their Government."

To advance his democratic ideals, he instituted what he called a program of rotation of office to bring in new blood and fresh ideas for the operation of government. No one has a vested right to government employment, he contended. His enemies, however, accused him of introducing a "spoils system" to Washington. As the Democratic senator from New York, William L. Marcy, boldly announced: "To the victor belong the spoils of the enemy."

Despite his democratic contentions, Jackson also expanded presidential powers during his tenure through his creative use of the veto (he vetoed more times than all of his predecessors put together) and his leadership of Congress and the Democratic party. He effectively intruded into the legislative process and materially increased the power of the chief executive to control and direct the operation of Congress.

One of Jackson's most unique contributions to constitutional ideas about the government and its operation was his belief that the Union was indivisible. In his Proclamation of December 10, 1832, written to the people of South Carolina after the state's convention had nullified the tariff laws of the country and threatened secession, he responded with the doctrine of the Union as a perpetual entity. He was the first American statesman to publicly declare that secession could not be invoked by any state to redress a supposed grievance. "Those who told you that you might peaceably prevent" the execution of federal law, he wrote, "deceived you. . . . Their object is disunion. But be not deceived by names. Disunion by armed force is treason. Are you ready to incur its guilt?" South Carolina ultimately backed down, and bloody civil war was postponed for nearly thirty years.

Jackson's extraordinary understanding of what is meant by "the United States" convinced Abraham Lincoln of the soundness of its constitutional argument. President Lin-

coln extracted from this Proclamation the basic justification he needed for his course of action to meet the secession crisis of 1861.

To Jackson's credit goes the distinction of having paid off the national debt. He had made the liquidation of the debt one of the goals of his administration, and he lived to see it happen in January 1835. It remains the only instance in American history when the nation owed nothing to anyone.

On a less happy note, the Jackson administration inaugurated the tragic history of Indian removal. The continued presence of the tribes within the several states caused mounting difficulties, including the shedding of blood, and had long defied solution by the national government. Thomas Jefferson hoped that through education the Indian might be integrated into white society. Failing that, he said, the tribes must be removed to the Rocky Mountains.

But many Indians resisted the idea of becoming cultural white men. They wished to remain as Indians, subject to Indian law, and preserving their heritage, language, and religion. The Cherokee Nation, for example, refused to obey Georgia law even though a large number of its people lived within the boundaries of that state.

Jackson contended that removal, such as Jefferson had suggested, would benefit both whites and Indians. It would prevent the annihilation of the Indian race, for one thing. More importantly, as far as Jackson was concerned, it would provide a greater degree of national security. Past Indian attacks, such as the Creek War just prior to the British invasion at New Orleans, jeopardized the safety of the American people. So Jackson prevailed upon Congress to pass the Indian Removal Act of 1830, by which lands held by the tribes within the states were exchanged for lands west of the Mississippi in an Indian territory that later became the state of Oklahoma. The government provided the transportation, but the removal turned into a death march because of the indifference and greed of those charged with executing it. The tribes were hastened along what the Cherokee called "The Trail of Tears." Thousands died along the way, and the entire operation disgraced the nation and blackened its history.

In foreign affairs, Jackson pursued an aggressive policy to force European governments to respect the integrity, sovereignty, and independence of the United States. Debts owed to the United States and incurred during the Napoleonic Wars had long been a source of irritation, because the European nations refused to pay what they legitimately owed. Jackson demanded payment and succeeded in bringing about settlement of the claims. He nearly provoked war with France over the settlement, but the dispute was ultimately resolved with the payment by the French government of twenty-five million francs. Jackson also settled claims against Denmark, Spain, and the Kingdom of Naples.

Of particular value and importance to the United States was the conclusion of a treaty with Great Britain that resolved a longstanding dispute over trade with the West Indies. The treaty opened West Indian ports to the United States on terms of full reciprocity. The Jackson administration also signed the first treaty with an Asian nation in 1833, when Siam agreed to American trade on the basis of a most favored nation, a principle that became the basis of other treaties with South American countries and other Near Eastern countries.

After serving two terms as President, and designating Martin Van Buren as his succe-



sor, Jackson retired to his home at the Hermitage, just outside Nashville. For the remainder of his life, he took an active interest in national affairs. He favored the annexation of Texas and Oregon, even at the risk of war. And he helped his protégé, James K. Polk, win the Democratic nomination in 1844. The narrow victory of Polk in the election over Jackson's longtime enemy, Henry Clay, on a platform that called for the reannexation of Texas and reoccupation of Oregon, delighted the gravely ill old hero of New Orleans. "I thank my god," he wrote, "that the Republic is safe and that he had permitted me to live to see it, and rejoice."

Jackson died at the Hermitage at the age of seventy-eight on June 8, 1845, most likely from a heart attack. But he suffered so many different ills, acquired in the service of his country (as he liked to say), that modern physicians who delve into such matters are reluctant to pinpoint the exact cause of death. He was buried next to his beloved wife in the garden adjacent to his home.

#### A FURTHER REPORT ON THE BANKING SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise on this occasion to continue what I pledged to do when I was elected chairman of the U.S. House of Representatives Committee on Banking, Finance and Urban Affairs, and subsequently chairman of the Subcommittee on Housing and Community Development.

I have kept my pledge, beginning that first week on January 3, the opening of the Congress in 1989, and made a preliminary report at the time that we adjourned that we would commence hearings immediately, which we did. We had the first hearing—even though the House had adjourned—on January 10, 1989, at which time for the first time the chairman of the Home Loan Bank Board because of the joinder of our distinguished minority leader, the gentleman from Ohio [Mr. WYLIE] joining me in extending the invitation. I am almost sure that had I done that on my own initiative, it would have been spurned and avoided, but with the joinder of my distinguished minority colleague, we did bring him in on January 10.

It was a historic day. It was not noted that way, but it was historic because for the first time the Home Loan Bank Board came in and reported—beyond a press release—all of the deals that they had been concocting since 1988, very costly ultimately to the taxpayers, but done as today the FDIC, or the Bank Insurance Fund is doing in the name of saving money, but actually spawning deals and outmaneuvered by the most sophisticated and highest paid lawyers in the land, singlemindedly working on how to capitalize on the gullibility and inexperience or naivete of the regulator or even the employees of the Federal Government.

With great contempt, the chairman then, the doors burst open of the hearing room and in came attendants with six carts of boxes of documents, and with great contempt and some arrogance said, "Mr. Chairman, you have demanded that we give you information. Here it is. The only thing we ask is that this be held confidential."

And we said, "Oh, don't worry about that."

What they did not think was that we would look over those documents. In fact, we still are.

I want to report to my colleagues that we have not closed this out. As far as chairman of the Banking Committee, I said at the time that the only real power of a chairman which I would want and which should naturally be that of a chairman was merely to set the agenda. I did not want—and I have not exercised—the type of attempted control of a committee, such as I have seen others do. I am not casting judgment on them. These were my predecessor chairmen. They had their way. I have mine. And mine is rooted on a 100-percent democratic obedience to the rules of the House and responsive and accountable to my colleagues in the House, not just to the members of the committee, and that is why I continue my report generally on the situation confronting our country which has continued to be in a state of crisis with respect to our financial institutions and the safety and the soundness of our banking system.

□ 1330

Now we ought to really not forget that we have precedents in our history. Maybe the country was a lot different. Certainly it was smaller, but the issues were basically the same. They were issues of power, the issues as to whether or not, as the Constitution indicates, sovereignty or power would remain in the people or be subtracted therefrom through fine maneuvering and expert jiggery and pokery, which has, from the beginning of our Nation, been the case. The attempts have been made, but, up until the late 20th century, the leaders of our country were able to rise, as our system calls for, and not let those special vested interests take over, as indeed they have for some time.

I can say truthfully, my colleagues, that we in the House of Representatives, whether it is the Committee on Banking, Finance and Urban Affairs, or any other really, are the masters of our own fate, for we have allowed the moneychangers to enter and corrupt our vaunted and hallowed halls of democracy.

I want to evoke—because at this time I think it is very much in point, even though there may be some who think it is rather far-fetched—I want to evoke the memory of President Andrew Jackson and his veto of the bank bill of

July 10, 1832. I am going to quote from the message he sent the Congress. The Members of the Senate at that time, and the House, thought they were playing politics, as, I guess, always will be the case and as we are seeing today plainly, and they thought they would extend the charter of the Second National Bank an additional 16 years and put Andrew Jackson on the spot in that election year. Jackson did not waste any time. He promptly vetoed the bill, and he sent his message, and I am going to quote:

There are no necessary evils in government. Its evils exist only in its abuses. If it would confine itself to equal protection and, as heaven does it, rain, shower its favors alike on the high and the low, the rich and the poor, it would be an unqualified blessing. In the act before me there seems to be a wide and unnecessary departure from these just principles.

What just principles? The fundamental principles in the American system, equal justice before the law, privileges for none, equal justice for all.

So, I will continue, and I am quoting again from that message:

Many of our rich men have not been content with equal protection and equal benefits, but have besought as to make them richer by acts of Congress. By attempting to gratify their desires we have in the results of our legislation arrayed, section against section, interest against interest, and man against man, in a fearful connotation which threatens to shake the foundations of our Union.

He additionally charged that that bank's arbitrary control over the then-existing State bank system, which was preeminent from the beginning of our Government under the Constitution; State banks could issue everything, notes and what amounted to specie and legal tender; he charged that the bank's arbitrary control over State banks conspired to regulate discount rates and withhold loans, and its sales of capital stock to foreigners were inimical to the best interests of the Nation.

Well, what is it we have today? Every one of those conditions. We have tremendous financial foreign interests, which I reported yesterday, as I have now for almost 2 years. Eight hundred billion dollars; that is even as I am talking, is floating around this country, so-called foreign, banking or financial money, over which our institutions—that are supposed to be there to protect the public interest—have no control, and we cannot be told in the committee when and if they were willing to, and instead of, as I pointed out yesterday, raising these obstructions and hurdles; to what? To keep from Congress the information it must have in order to knowledgeably legislate. That is the only purpose we would have, and, properly under our constitutional authority, should and can properly exercise, and Supreme Court decision after Supreme Court decision has

held that the right of the Congress to know is paramount; that is, for the purposes of legislation.

So, we are trying to legislate in order to bring for the first time a framework of reference whereby we can, through our Government and its regulatory authorities, try to have some adequate oversight. No other country has this laxity.

As a matter of fact, every other country, including even Canada, has screening boards before they allow the chartering of institutions from other countries. Now Canada waited until almost 50 percent of its banking interests were owned by foreign entities before it did, but it did. Up to now we know that the Japanese, for instance, have about 25-percent-plus ownership in financial institutions, and the British, we do not hear much about them, but they have about twice as much as far as direct investment, rights of ownership.

Therefore, Mr. Speaker, what do we have? We are confronted with a first class crisis without any perception as to the depth, the profundity, the extension, the complexity, the scope, the range of this crisis, either in our much vaunted press, or in the Congress, or among the banking industry. At least they do not evince such, and so the real issues for reform which have been crying out for over 30 years since the war have been avoided, and, therefore, the accumulation in such a manner, shape, and form that I have said, but have had very little attention paid to, that we now face the greatest crisis this country has ever faced insofar as the peril of its losing its financial, its economic, freedom is concerned.

I will enlarge a little bit on that. I just think that we ought to recognize the fact that, as Ecclesiastes says, nothing under the Sun is really new.

□ 1340

We know that all through mankind's history we have had those elements in humanity that will either be predatory or will seek constantly, at the expense of others or the so-called public interest, the enhancement of their own interest. In the words of Ecclesiastes:

He that loveth silver shall not be satisfied with silver, nor he that loves abundance with increase.

That simply means what we say in common parlance, that with some the more they have, the more they want.

This is true of the most powerful interests we have in our country that now have the power to determine the allocation of credit, who and in what segment of our society shall get credit. How has that come about? Let me give a little history.

When the national banking system was born in a rough-hewn sort of way right at the end of the Civil War, with the issue being uppermost in the mind of President Lincoln at the time of his death, the big issue was the greenback

issue or the specie issue, and the question was, how and who was going to pay for the Civil War? So you had the 1863 Specie Act, but then after the war you had the 1865 Currency Act, the National Currency Act. That was the beginning of the shaping of what we now call the national banking system. Then they had subsequent to that the crisis. After every war that we have, all the moral moorings seem to either disappear or people get separated from them. That happens after every war, and after the Civil War that was no exception.

The big issue that President Lincoln feared was exactly what happened, that these powerful interests would soon command the decisionmaking level. And that was as to what? The allocation of credit. That is exactly what President Jackson had worried about. That is exactly what happened when you had the first Continental Congress. That Congress had to have a banker, and the bankers in Philadelphia said, "Yes, we will, but this is what we are going to charge you." The difference was that they had men like Alexander Hamilton and, mostly, Jefferson, who recoiled at what all through the centuries was usury, usurious interest rates.

That, incidentally, is what has been flagellating our country now ferociously since the late 1970's, with the instability that is created, and the fact is that until that is resolved and is stabilized, I can assure you that we will get no place. But that is another story.

How did we get to the situation in which there is actually no control by the people's Representatives and the national policymaking body, not the executive branch nor the judiciary, but the only national policymaking body established under the Constitution, the Congress of the United States, which would have been either abdicating on its own its responsibilities or having its powers under the Constitution usurped? It has the power to coin money, to set the value thereof, and that is a constitutional mandate deposited exclusively in the Congress.

But that is not happening. The reasoning, as I see it, is what has happened almost imperceptibly, and particularly after 1945. We came out of that hot shooting phase of World War II with a system that was built and based and predicated on one that had been built during the Depression era in the 1930's. But banks were chartered under law, that is, national banks. If any individual or group wanted to establish a bank, they would have to come to the Office of the Comptroller, which incidentally was born out of the 1865 Currency Act after the Civil War. This Office of the Comptroller of the Currency goes back to 1865.

Our whole regulatory system is crumbling around us because it is antiquated, it is overlapping, it is conflict-

ing in many areas, and we should have looked at that years ago. But we have not. I could go into that, but let us go back to the fundamental question.

It used to be that under the law you would come and seek a charter. This happened up until the Bank Merger Acts of the 1950's when, I think, the mischief began. The truth of the matter is that under the bank chartering laws anybody in the community who felt that there was a need could come up and oppose it, and usually the banks that were there before would come up and protest, but the Comptroller would then establish the need for a new bank based on public need and convenience. Those were the letters of the law. But today regulators put banks together, and so we have these gigantic bank mergers and we are headed to the more and more concentrated of banking interests in the hands of fewer and fewer.

Is that good? That calls for a broader vision, and I want to announce at this point that in a week's time from tomorrow, a week from now, we will have additional hearings on this merger question that is presenting itself to the country.

Now, we could not have had that kind of merger put together by regulators before the 1956 Bank Merger Act because before that, in order to create that bank you had to have a charter, and the charter had to demonstrably prove that there was a public need and convenience.

Now, the Federal Reserve Board is not a governmental agency. It is the creature of and amenable to the commercial banking system of the United States, the private commercial banks, not the Government. The President appoints members of the board, and perhaps the chairman for a longer fixed period of time, but then after the passage in 1913 of the Federal Reserve Board Act we had strange things happening 7 years later such as the information of the so-called Open Market Committee. The Open Market Committee can determine the downfall or the rise of any administration by fixing the Treasury bill rates and everything else.

But who accounts for that? Are these men elected by the people? Are they accountable to the people? Have the people any control through their elected agents? No, not really. But the point still remains that as long as bank entities are formed outside of the context of the primary reason why banks should be chartered—and that is for public need and convenience—what that means is that banks were supposed to be the financial backdrop to help fuel the furnaces of industry and production and manufacture.

□ 1350

That has not happened. Now, our banks since the late sixties have gone elsewhere, other than investing in America. I ought to know. After all, I



am on the committee that has jurisdiction over all of these so-called guaranteed loans or bailouts, as they were called. I have been there from the beginning of the first one, the Penn Central, and then New York City, Continental, and Chrysler.

Why did Chrysler have to have guarantees from the Government? Because the banks would not give them the credit. Chrysler needed \$3 billion. It had about half of that on its own, and it could not borrow the other half. The banks were not going to take any risk.

But this is unlike other countries. In Japan the banks still finance their manufacturers and their industry. So should we be mad at that, merely because ours have receded from doing that?

Instead, our bankers have gone, as we say, insatiably to where they will get the big, big fee, leveraged buyouts.

In R.J. Reynolds, for instance, there is over 25 billion dollars' worth of banking credit involved that is highly speculative.

Mr. DREIER of California. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to compliment the gentleman on his remarks. I would simply like to pose a question that has come to mind in light of the very eloquent remarks by the chairman of the Committee on Banking, Finance and Urban Affairs.

What prospects do we have of moving ahead with some kind of banking reform law this year? I would say to the gentleman from Texas [Mr. GONZALEZ] that we in the waning days of the first session of the 102d Congress tried diligently to move forward with banking reform legislation, and I was struck when the gentleman started mentioning Japan.

One of the goals that we have is to try and get the American financial deliverers of financial services into a position where they will be able to compete internationally.

That is one of the real tragedies here. Due to some of the antiquated laws to which the gentleman from Texas [Mr. GONZALEZ] was referring, the 1956 Bank Holding Company Act and a number of other pieces of legislation, we have seen an inability for U.S. financial institutions to compete internationally.

I know that President Bush has said that one of the things he wants to do is moved forward with banking reform legislation, and I hope very much that since the so-called compromise that we put together in the waning hours before we adjourned before Thanksgiving of last year, unfortunately does not move us in that direction satisfactorily enough.

Mr. Speaker, I wonder if the chairman could tell us if there are chances

we could move ahead toward reform legislation?

Mr. GONZALEZ. Mr. Speaker, I think we must define terms. Some people who say "bank powers," also use that interchangeably as "reform." We have to make sure that we understand.

Mr. DREIER of California. Mr. Speaker, if the gentleman will yield further, I would say to my friend I do not use the term "bank powers." I use the term "consumer products and services," expanded opportunities for consumers to be able to utilize products and services which some deliverers of financial services are providing, and tragically others are not, because of these antiquated laws.

Mr. Speaker, I thank the gentleman for yielding.

Mr. GONZALEZ. Mr. Speaker, I would say to the gentleman that I think we could go into that. There are a lot of historical backdrops that we would have to define in order to understand the terms of our discussion. I think the gentleman from California [Mr. DREIER] may be assuming some things, such as, for instance, that there is a lack of competitiveness because of our restrictive laws. There are, and there are not, in some areas.

Mr. Speaker, the big problem today is I think reflected in the reasons given by the chairman of Citibank when he was asked, "To what do you attribute your problems? Is it that you don't have powers?"

He said no. The reason is that they all have those powers that the Federal Reserve has given to a select group of banks under the Bank Holding Act, and through their interpretation, or malinterpretation, of what they call section 20. But the central point is that this distinguished chairman said, "No, it isn't powers; it is that we made bad loans."

Well, of course the Congress cannot, as it has been asked to, through legislative action confer solvency.

Mr. Speaker, I can summarize my discussion for today by telling my colleagues that if you were to ask me what should be done that needs to be done immediately, I would say the absolute need to restore solvency to our American national life, whether it is in the private sector, where we have piled up a great indebtedness, or the corporate sector, where we have piled up an equal indebtedness, or governmental.

Mr. Speaker, we are insolvent. Until we reach solvency, we will be sort of wallowing in what I consider to be a very dangerous mire. Because in the meanwhile, there are forces, external to our shores, over which we no longer have any control that impact no matter what decisions we make domestically.

#### ANNOUNCEMENT REGARDING PREPRINTING OF AMENDMENTS ON H.R. 3553

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute.)

Mr. MOAKLEY. Mr. Speaker, the Rules Committee has received a request from the Committee on Education and Labor for a rule to H.R. 3553, the Higher Education Amendments of 1992, that would require amendments to be printed in the CONGRESSIONAL RECORD prior to their consideration.

Although the Rules Committee has not decided upon this request, I wanted to alert Members on this possible requirement for H.R. 3553 so that they are prepared with their amendments. The Rules Committee is planning to meet on this bill Thursday afternoon, March 19. It is anticipated that this measure could come to the floor as early as the week of March 23. Therefore, to fully ensure Members' abilities to offer amendments under the requested rule, they should have those amendments appear in the CONGRESSIONAL RECORD no later than Monday, March 23, 1992.

The Education and Labor Committee has also requested that the text of H.R. 4471 be made in order as original text for the purposes of amendment. Therefore, all amendments should be drafted to that text. It is my understanding that this substitute is available from the document room.

#### RESOURCE CONSERVATION AND RECOVERY ACT REFORM INITIATIVE

The SPEAKER pro tempore (Mr. EDWARDS of Texas). Under a previous order of the House, the gentleman from Pennsylvania [Mr. RITTER] is recognized for 5 minutes.

Mr. RITTER. Mr. Speaker, I rise today to address the House on the Resource Conservation and Recovery Act, or RCRA, and the RCRA reform initiative recently proposed by EPA. As the ranking member of the Subcommittee on Transportation and Hazardous Materials, the Subcommittee of primary jurisdiction over RCRA, I am keenly aware of both the accomplishments and problems with the RCRA Program.

RCRA is achieving some of the goals which led to its enactment, like ensuring that hazardous wastes are managed in a way that will not pollute ground water. But RCRA is not achieving the goals that are found right in its name—resource conservation and recovery. RCRA regulations impose unnecessary costs on the American economy, meeting its goals at an extraordinarily high cost, wasting valuable resources, and not hindering the kind of environmental cleanup the American people want.

In response to the President's call for a thorough regulatory review, the EPA

Office of Solid Waste and Emergency Response has proposed a far reaching RCRA reform initiative. The reform initiative is one of the more interesting proposals to come out of EPA in a long time. In the true spirit of the President's initiative, it contains a series of proposed regulatory changes that could both save the American economy jobs and money, and actually benefit the environment.

EPA thinks we may be throwing away \$1 billion each year to meet hazardous waste regulations, regulations that go far beyond what is needed to protect human health and the environment. One billion dollars per year. While I am concerned with how this situation developed, I, nevertheless want to personally commend Don Clay, the EPA Assistant Administrator for RCRA and Superfund, for the courage to stand up and identify not only the problem, but some solutions as well. Changes suggested by the reform initiative can benefit the economy, the environment, and create jobs and a more competitive America in the process. This is a win-win proposal.

While the cradle-to-grave coverage of the RCRA Hazardous Waste Program has provided significant environmental benefits, there is widespread agreement that the program is overly prescriptive and imposes unnecessary administrative burdens on the regulated community. It's time for improvement. I feel that we can meet the statutory requirement of protecting human health and the environment at a significantly lower cost to the economy, especially regulatory burdens that are not directly tied to reducing environmental or health risks.

Some RCRA regulations provide immediate benefit to our health and our environment. Some are an investment in the future state of the environment. But some are simply money down a rat hole. They damage our competitiveness, they weaken manufacturing, they cost working Americans their jobs. They actually hurt the environment by diverting our efforts away from real risks and impeding cleanup and recycling.

As a result, our economy, our competitiveness, our manufacturing workers' jobs suffer needlessly. We send manufacturing jobs overseas and the environment suffers.

Particularly in the area of cleaning up environmental damage from past mistakes, RCRA contains disincentives to doing the right thing. So does CERCLA, the Superfund law. Too many lawyers are getting rich on toxic tort litigation. So much of our scarce taxpayers' and consumers' resources are going into the hands of lawyers.

Our economy and our environment cannot afford regulation for regulation's sake. We should not impose costly burdens on taxpayers in States and

localities, and workers in industry, in the futile search for a riskless society. Zero-risk is a tremendously costly illusion we can no longer afford.

We simply can't afford to ignore the costs of our actions. We can't afford it, and American workers, particularly in manufacturing, can't afford it. While we might pay more for the products we buy, the American worker might pay with his or her job.

For all these reasons, I am excited about the RCRA reform initiative. I believe all of what's proposed can be adopted in a form consistent with existing law.

This proposal seeks to separate the regulations needed to protect human health and the environment from those that simply impose unnecessary burdens; to separate the true investments in environmental protection from the regulations that are dead losses.

It focuses our resources on the risks posed, eliminates unnecessary burdens and duplication, stimulates technological innovation, and incorporates principles of total quality and continuous improvement into the regulatory program.

Our best chance to enhance the environment is to put our resources to work solving the real problems. The real obstacles we need to change are bureaucratic inertia and the fear of change. These can be powerful forces, and I recognize that the EPA will need the support of Members of Congress if it is to achieve the creative and far-reaching goals of the reform initiative. We cannot let inertia scuttle a bold initiative that could save the American people \$1 billion a year and speed environmental cleanup. It deserves our support and needs our help.

□ 1400

#### CRISIS OF CONFIDENCE

The SPEAKER pro tempore (Mr. EDWARDS of Texas). Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 60 minutes.)

Mr. DREIER of California. Mr. Speaker, I take the well this afternoon to discuss something that is not an issue which I like to address here and, frankly, I do not think it is one that I have ever really taken on down here in this well. I have certainly talked about it in California and around the country. I do not feel terribly comfortable talking about it here in the House.

But quite frankly, Mr. Speaker, the greatest deliberative body known to man is faced with a crisis of confidence. We have tragically gotten to a point where we have a difficult time being forthright with the American people, and it seems to me, Mr. Speaker, that if we cannot be forthright with the American people, how can we gov-

After all, the world continues to look to this, as I said, the greatest deliberative body known to man. And it is looking to us in ways that it has not looked to us in the past.

Why? Because there are more emerging democracies around the world than have ever been in the history of the world.

These people, and I have visited the emerging democracies of Eastern and Central Europe and Latin America, the now Commonwealth of Independent States, former Soviet Union, these people clearly look to us as an example of what it is they possibly can be. So when we have things like this week's Newsweek magazine with a cover that says "Follow the Bouncing Checks, the Congressional Bank Scandal," it seems to me, Mr. Speaker, that we really have no choice. If we are going to be that great example for the world, we have no choice other than to establish new management in the House of Representatives.

Mr. Speaker, what we have seen over the past several years is really incumbency run amok. We have cases of corrupt careerism here in the House of Representatives. What we have really are well-connected public officials who mirror a large panorama of corrupt practices.

□ 1410

What kind of example does that set to young people in this country, who have every confidence in representative government, and, as I said, to those emerging democracies throughout the world? It is not a very good one.

Mr. Speaker, as we look at these kind of issues and the many perquisites of office which have been outlined in the national and international media over the past several days, it is clear that new management is the only way in which we can change that.

Mr. Speaker, I was born in 1952. That is the last time that we elected a Republican House of Representatives. It comes as a shock to most people when I say that we have looked at the failure of the Bolshevik revolution, which started in 1917, and basically have one-party Communist control of the Politburo and the Congress of the People's Deputies, as it was known under the Soviet Union.

We have seen our southern neighbor, the Institutional Revolutionary Party in Mexico, the PRI Party, which under Mr. Cardenas, in 1928, take power.

Since that time, Mr. Speaker, we have seen no other political party on the face of the Earth maintain control of its parliament, its legislative body, longer than the majority has managed this House of Representatives.

Mr. Speaker, as we look at this, we have seen the failure of the Bolshevik revolution. Now, with the exception of the Institutional Revolutionary Party



in Mexico, there is no political party on the face of the Earth which has controlled its parliament longer than the majority, the Democrats, have controlled the House of Representatives.

We all know that the House of Representatives clearly is the most important legislative body in this Capital. I say that not just because I am a Member of the House, but article 1 of the Constitution begins with "the House of Representatives," and it is very clear from article 1, section 7, taxing and spending initiates right here in the House of Representatives. Again, it has been one-party rule for the past 38 years.

Mr. Speaker, if we are going to play a role in regaining the confidence of the American people and those throughout the world, I hope very much that the American electorate will not fall in lock step with that standard old line that is used in public opinion polls throughout: "I abhor the United States Congress," the American people say in public opinion polls, "but, you know, old Joe is really not a bad guy, and I am sure that he or she is not part of that problem that is going on in Washington."

It very clearly, Mr. Speaker, is one-party management. I am not going to stand here and say the Republican Party offers a panacea, the cure all for all the ailments of society. But I will say this, I believe that new management is the way to go and the only way real new management can take place is if we see a Republican majority emerging in January 1993 to take over the speakership, the chairmanship of every committee in the House, and in fact, management of all these House operations which have been so criticized over the past several weeks and months.

Mr. Speaker, as we look at this crisis of confidence, we must be forthcoming with the American people. We are bringing about full disclosure on this check-bouncing scandal. We are letting the American people see what it is that is taking place, as we are the people's representatives and this is the people's House.

It seems to me, Mr. Speaker, that as we look toward this coming November, I hope, and I have every confidence in the electoral process, that people will seize that opportunity which others around the world are now enjoying, the opportunity to vote and the opportunity to make this kind of change in the House of Representatives.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DREIER of California) to revise and extend their remarks and include extraneous material:)

Mr. DREIER of California, for 60 minutes, today.

Mr. RIGGS, for 60 minutes, on April 29.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. LEHMAN of California, for 60 minutes each day, on April 23 and 24.

Mrs. COLLINS of Illinois, for 5 minutes each day, on March 24, 25, 26, and 27.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend his remarks was granted to:

(The following Members (at the request of Mr. DREIER of California) and to include extraneous matter:)

Mr. GALLEGLY.

Mr. GINGRICH.

Ms. MOLINARI.

Mr. GUNDERSON.

Mr. MICHEL.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. MONTGOMERY.

Mr. JOHNSON of South Dakota.

Mr. YATRON.

Mr. ROE.

Mr. DONNELLY.

Mr. FASCELL in two instances.

Mr. MAVROULES.

Mr. SOLARZ.

Mr. DOWNEY.

Mr. PANETTA.

#### ADJOURNMENT

Mr. DREIER of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 15 minutes p.m.) the House adjourned until tomorrow, Wednesday, March 18, 1992, at 2 p.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3107. A letter from the Defense Mapping Agency, Department of Defense, transmitting notification to study the potential conversion from partial in-house performance to full commercial contract of custodial services functions at the DMA Hydrographic/Topographic Center in Brookmont, MD, and the DMA Aerospace Center in St. Louis, MO, pursuant to Public Law 100-463, section 8061 (102 Stat. 2270-27); to the Committee on Armed Services.

3108. A letter from the Inspector General, Department of Commerce, transmitting evaluation of the United States and Foreign Commercial Service management of its Foreign Service Personnel System, pursuant to 15 U.S.C. 4721; to the Committee on Foreign Affairs.

3109. A communication from the President of the United States, transmitting the status of efforts to obtain compliance by Iraq with the resolutions adopted by the U.N. Security Council (H. Doc. No. 102-204); to the Committee on Foreign Affairs and ordered to be printed.

3110. A letter from the Assistant Secretary for Policy, Management, and Budget, Department of the Interior, transmitting a report of activities under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

3111. A letter from the Chairman, Pennsylvania Avenue Development Corporation, transmitting a draft of proposed legislation to amend the Pennsylvania Development Corporation Act of 1972; to the Committee on Interior and Insular Affairs.

3112. A letter from the Forest Service, Chief, Department of Agriculture, transmitting the rehabilitation needs of each Forest Service region, resulting from disastrous forest fire damage during the previous year, pursuant to Public Law 101-286, section 202(1) (104 Stat. 174); jointly, to the Committees on Agriculture and Interior and Insular Affairs.

3113. A letter from the Secretary of Energy, transmitting a copy of the Clean Coal Technology Demonstration Program; Program Update 1991; jointly to the Committees on Appropriations, Energy and Commerce, and Science, Space, and Technology.

3114. A letter from the Secretary of Labor, transmitting a draft of proposed legislation entitled "Pension Security Act of 1992"; jointly to the Committees on Education and Labor, Ways and Means, and the Judiciary.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROE: Committee on Public Works and Transportation. H.R. 2757. A bill to authorize the Board of Regents of the Smithsonian Institution to acquire land for watershed protection at the Smithsonian Environmental Research Center, and for other purposes; with an amendment (Rept. No. 102-456, Pt. 1). Ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of Texas:

H.R. 4476. A bill to amend the Internal Revenue Code of 1986 to provide for the use of unused alternative minimum tax credits, to repeal certain alternative minimum tax preferences for energy production, and for other purposes; to the Committee on Ways and Means.

By Mrs. LOWEY of New York (for herself, Mr. TOWNS, Mr. CONYERS, Mrs. JOHNSON of Connecticut, Mr. MORAN,

Ms. PELOSI, Mrs. UNSOELD, Mr. BER-

MAN, Mr. COLEMAN of Texas, Mr.

CAMPBELL of Colorado, Ms. NORTON,

Mr. OWENS of New York, Mrs. BOXER,

Mr. ACKERMAN, and Mr. WEISS):

H.R. 4477. A bill to prohibit grants under the community development block grant program to communities that fail to adopt a policy of enforcing laws that prevent the use

or threat of force against individuals for exercise of abortion rights; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MARTINEZ:

H.R. 4478. A bill to amend the Immigration and Nationality Act with respect to improvements in enforcement of antidiscrimination provisions of that act; to the Committee on the Judiciary.

By Mr. MCEWEN (for himself and Mr. GRADISON):

H.R. 4479. A bill to direct the Administrator of the Small Business Administration to review criteria used to certify qualified development companies to ensure that application of such criteria does not adversely affect certification of qualified development companies in rural areas, and for other purposes; to the Committee on Small Business.

By Mr. McMILLEN of Maryland:

H.R. 4480. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to deduct the value of a lease contributed to a charitable organization where property leased is to be used to provide housing for homeless or low-income individuals; to the Committee on Ways and Means.

By Mr. MONTGOMERY:

H.R. 4481. A bill to amend title 10, United States Code, to revise and standardize the provisions of law relating to appointment, promotion, and separation of commissioned officers of the reserve components of the Armed Forces, to consolidate in a new subtitle the provisions of law relating to the reserve components, and for other purposes; to the Committee on Armed Services.

By Mr. THOMAS of California:

H.R. 4482. A bill to amend title XVIII of the Social Security Act to provide a reduction in the premium assessed against an individual who buys into coverage under part A of the Medicare Program for quarters of coverage credited to the individual under title II of such act, and for other purposes; to the Committee on Ways and Means.

By Mr. HORTON (for himself, Mr. SCHEUER, Mr. LENT, Mr. SCHUMER, Mr. BACCHUS, Mr. WEISS, Mr. FISH, Mr. OWENS of Utah, Mr. LAFALCE, Mr. RINALDO, Mr. GUARINI, Mr. HUGHES, Mr. ERDREICH, Ms. NORTON, Mr. WALSH, Mr. MRAZEK, Mr. GILMAN, Mr. ACKERMAN, Mr. RANGEL, Mr. CARPER, Ms. MOLINARI, Mr. KOPETSKI, Mr. COOPER, Mr. FAZIO, Mr. FROST, Mr. SYNAR, Mr. GREEN of New York, Mr. BLILEY, Mr. HARRIS, Mr. BRYANT, Mr. WYDEN, Mr. HOUGHTON, Mr. DINGELL, Mr. McMILLEN of Maryland, Mr. FORD of Tennessee, Mrs. MINK, Mr. MINETA, Mr. SKEEN, Mr. RICHARDSON, and Mrs. ROUKEMA):

H.J. Res. 441. Joint resolution commending the New York Stock Exchange on the occasion of its bicentennial on May 17, 1992; to the Committee on Post Office and Civil Service.

By Mr. YOUNG of Florida:

H.J. Res. 442. Joint resolution to designate May 16, 1992, through May 22, 1992, as "National Awareness Week for Life-Saving Techniques"; to the Committee on Post Office and Civil Service.

By Mr. HOYER:

H. Res. 400. Resolution electing the Resident Commissioner from Puerto Rico, Mr. Colorado, to the Committees on Interior and Insular Affairs and Foreign Affairs; considered and agreed to.

#### ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. CHAPMAN.  
H.R. 78: Mr. McGRATH and Mr. WYLIE.  
H.R. 617: Mr. GOSS, Mr. FAWELL, Mr. SHARP, Mr. HUCKABY, and Mr. PEASE.  
H.R. 1161: Mr. SHAYS.  
H.R. 1536: Mr. JONTZ.  
H.R. 1802: Mr. JEFFERSON.  
H.R. 2916: Ms. SNOWE, Ms. ROS-LEHTINEN, and Mr. SWETT.  
H.R. 3146: Mr. KLUG.  
H.R. 3248: Mr. GEJDENSON, Mr. SHAYS, Mrs. JOHNSON of Connecticut, Mr. WEISS, Mrs. MINK, Mr. FRANKS of Connecticut, Ms. DELAURO, Mr. ABERCROMBIE, and Mr. JOHNSON of South Dakota.  
H.R. 3258: Mr. ROE.  
H.R. 3373: Ms. DELAURO, Mr. JONTZ, Mr. BACCHUS, Mr. ERDREICH, and Mr. COX of Illinois.  
H.R. 3441: Mr. INHOPE.  
H.R. 3598: Mr. JONES of North Carolina, Mr. DE LUIGO, Mr. PETERSON of Minnesota, Mr. CLINGER, and Mr. DAVIS.  
H.R. 3612: Mr. ZELIFF.  
H.R. 3952: Mr. COOPER, Mr. FIELDS, and Mr. PERKINS.  
H.R. 3967: Mr. TORRICELLI.  
H.R. 3986: Mr. BURTON of Indiana, Ms. SLAUGHTER, Mr. LIVINGSTON, and Mr. BERMAN.  
H.R. 4089: Mrs. LLOYD, Mrs. UNSOELD, Mr. LEHMAN of California, Mr. ANDREWS of Maine, Mr. SWETT, and Mr. JONTZ.  
H.R. 4163: Mr. MANTON.  
H.R. 4181: Mr. McMILLEN of Maryland, Mr. KOPETSKI, Mr. SWETT, Mr. ATKINS, and Mr. BACCHUS.  
H.R. 4220: Mr. VISCLOSKEY.

H.R. 4300: Mr. ANDREWS of Maine, Mr. BERMAN, Mr. BLACKWELL, Mr. EDWARDS of California, Mr. DWYER of New Jersey, Mr. FASCELL, Mr. HAYES of Illinois, Mr. JOHNSTON of Florida, Mr. JONTZ, Ms. KAPTUR, Mr. KOPETSKI, Mr. MCCLOSKEY, Ms. NORTON, Mr. POSHARD, Mr. SWIFT, Mr. TOWNS, and Mr. WALSH.

H.R. 4312: Mr. COLEMAN of Texas, Mr. WASHINGTON, Ms. PELOSI, and Mr. McDERMOTT.

H.R. 4351: Mr. BERMAN and Mr. ZELIFF.

H.R. 4471: Mr. ROEMER, Mr. HAYES of Illinois, Mr. KLUG, Mr. CUNNINGHAM, and Ms. MOLINARI.

H.J. Res. 371: Mrs. BENTLEY, Mr. BONIOR, Mr. CHAPMAN, Mr. FASCELL, Mr. FRANKS of Connecticut, Mr. MCCOLLUM, Mr. McCRERY, Mr. MARTIN, Mr. MAVROULES, Mr. MILLER of Ohio, Mr. MURTHA, Mr. PICKETT, Mr. SANGMEISTER, and Mr. VENTO.

H.J. Res. 388: Mr. ROYBAL, Ms. SLAUGHTER, and Mr. MORRISON.

H.J. Res. 406: Mr. CARPER, Mr. QUILLLEN, Mr. COSTELLO, Mr. PALLONE, Mr. MAZZOLI, Mr. IRELAND, Mr. GRADISON, Mrs. LOWEY of New York, Mr. GONZALEZ, Mr. WOLPE, Ms. KAPTUR, Mr. BILIRAKIS, Mr. COX of California, Mr. MOODY, Mr. DURBIN, Mr. MONTGOMERY, Mr. BILBRAY, Mr. HEFNER, Mr. FASCELL, Mr. JOHNSTON of Florida, Mr. UPTON, Mr. SAXTON, and Mr. SISISKY.

H.J. Res. 407: Ms. KAPTUR, Mr. EMERSON, Mr. JONES of Georgia, Mr. KENNEDY, and Mr. LEVINE of California.

H.J. Res. 432: Mr. ESPY, Mr. STALLINGS, Mr. GUARINI, Mr. TRAXLER, Mr. WEBER, Mr. DWYER of New Jersey, Mr. TOWNS, Mr. WALSH, and Mr. ERDREICH.

H. Con. Res. 224: Mr. DELLUMS, Mr. GEJDENSON, and Mr. FOGLIETTA.

H. Con. Res. 256: Mr. JOHNSTON of Florida.

H. Con. Res. 257: Mr. DICKINSON, Mr. GINGRICH, Mr. KOSTMAYER, Mr. LEHMAN of California, Ms. OAKAR, and Mr. SUNDQUIST.

H. Con. Res. 274: Mr. JONTZ.

H. Con. Res. 292: Mr. MORRISON, Mr. BILBRAY, Mr. ANDREWS of Maine, and Mr. SCHEUER.

H. Con. Res. 293: Mr. BREWSTER.

H. Res. 153: Mr. HEFNER.

H. Res. 321: Mr. HORTON.

H. Res. 332: Mr. HERGER and Mr. TAYLOR of North Carolina.

H. Res. 368: Mr. BEREUTER and Mr. LIVINGSTON.

H. Res. 391: Mr. BROOMFIELD, Mr. LEACH, Mrs. MEYERS of Kansas, Mr. GALLEGLY, Mr. GOSS, Mr. MILLER of Washington, Mr. SMITH of New Jersey, Mr. FASCELL, and Mr. TORRICELLI.